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LAWS, CABINET ORDERS AND NOTIFICATIONS ON DISASTER PREVENTION IN JAPAN

by PLANNING DIVISION,
PLANNING AND RESEARCH ADMINISTRATION
DEPARTMENT

Synopsis:

English translations of some laws, cabinet orders and notifications relating to disaster prevention are compiled in this Technical Note, as a reference for informing of the administrative organizations and authorities of the Government of Japan concerned with disaster prevention.

The English texts compiled in this Technical Note are those which were tentatively translated by the respective organizations concerned, and have been transcribed from "Laws, Cabinet Orders and Notifications on Disaster Prevention in Japan; Vol.1 and Vol.2" (Reviews of Research for Disaster Prevention, No.30 (September 1978) and No.45 (October 1979)) issued by the National Research Center for Disaster Prevention, Science and Technology Agency.

All are transcribed through the courtesy of the translators, and with the permission of the National Research Center for Disaster Prevention.

Key Words:

Disaster Countermeasures Basic Law, Meteorological Service Law, The River Law, Flood Defense Law, Fire Service Law, Building Standard Law, The City Planning Law, Large-Scale Earthquake Countermeasures Act, Landslide Prevention Law.

要　旨

この彙報は，防災に係わる行政組織および行政権限を広く理解するための参考資料として，防災に関係する若干の法令を関係各機関が英語訳したものをまとめたものであり，科学技術庁国立防災科学技術センター発行「防災関係法令集（英文）」および「防災関係法令集（英文）第２集」（防災科学技術研究資料第30号（昭和53年９月）および第45号（昭和54年10月））を同センター所長の許可を得て，複製したものである。

キーワード；災害対策基本法，気象業務法，河川法，水防法，消防法，建築基準法，都市計画法，大規模地震対策特別措置法，地すべり等防止法

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Translated by :

1 : Director-General's Secretariat, National Land Agency,
2 : Japan Meteorological Agency,
3 : River Bureau, Ministry of Construction,
4 : River Bureau, Ministry of Construction,
5 : Tokyo Fire Department, Tokyo Metropolitan Government,
6 : Architectural Institute of Japan,
7 : City Bureau, Ministry of Construction,
8 : Director-General's Secretariat, National Land Agency,
9 : Public Works Research Institute, Ministry of Construction, and,
Appendix 1 : Administrative Management Agency.

DISASTER COUNTERMEASURES BASIC LAW

(Law No. 223, November 15, 1961)

(Revised: Law No. 68, April 4, 1962
Law No. 73, April 5, 1962
Law No. 109, May 8, 1962
Law No. 51, May 17, 1968
Law No. 38, June 3, 1969)

Disaster Countermeasures Basic Law is hereby promulgated.

Disaster Countermeasures Basic Law

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Chapter I

General Rules

(Objectives)

Art. 1. For the purpose of protecting the national territory, the life and limb of the citizens and their property, this Law shall have for its aim the establishment of a machinery working through the State and local governments and public corporations, the formulation of disaster prevention plans and basic policies relating to preventive and emergency measures and rehabilitation programs to deal with disaster, and other necessary measures as well as financial action, thus ensuring an effective and organized administration of comprehensive and systematic disaster prevention with a view toward the preservation of social order and the security of the public welfare.

(Difinitions)

Art. 2. Terms employed in this Law shall be as defined below:

(1) Disaster means a storm, heavy rain, heavy snow, flood, high tide, earthquake, tsunami, or other unusual natural event, or a conflagration or explosion, or any other damage of similar extent from a cause to be prescribed by ordinance.

(2) Disaster prevention means activities intended to prevent a disaster from occurring, to stop the spread of a disaster that has occurred, and to effect rehabilitation after the disaster.

(3) Designated administrative organs means administrative organs of the State as defined under art. 3 para. 2 of the National Government Organization Law (Law No. 120, 1948) and organs defined under art. 8 para. 1 of the same law, to be designated by the Prime Minister.

(4) Designated local administrative organs means branch offices of designated administrative organs in the prefectures (referring to branch offices provided under art. 9 of the National Government Organization Law) and other local administrative organs of the State designated by the Prime Minister.

(5) Designated public corporations means public corporations such as the Japan Tobacco Company, Japanese National Railways, Nippon Telegraph and Telephone Public Corpporation, Bank of Japan, and other corporations engaged in power, gas, transportation, communication and other public utility work, all designated by the Prime Minister.

(6) Designated local public corporations means the Harbor Bureau under art. 4 para. 1 of the Harbor Law (Law No. 218, 1950), Land Improvement Districts under art. 5 para. 1 of the Land Improvement Law (Law No. 195, 1949), administrators of other public corporations operating in the area of a prefecture and engaged in power, gas, transportation, communication and other public utility work, all designated by the governor of the prefecture concerned.

(7) Disaster prevention plans means a basic disaster prevention plan, operational disaster prevention plans, and local disaster prevention plans.

(8) Basic disaster prevention plan means a plan drafted by the Central Disaster Prevention Council providing guidance for all disaster prevention planning.

(9) Operational disaster prevention plans means plans based on the basic disaster prevention plan and pertaining to business or operations of the drafting authority: the chief officer of a designated administrative organ (where the designated administrative organ is the committee under art. 3 para. 2 of the National Government Organization Law, the administrative organ itself; to be applicable hereunder except under art. 12 para. 5) or a designated public corporation (with respect to business or operations delegated by the chief officer of a designated administrative organ or a designated public corporation, the chief officer of the designated local administrative organ or the designated local public corporation to whom or to which said delegation has been made).

(10) Local disaster prevention plans means disaster prevention plans relating to particular areas as listed below:

a. prefectural area disaster prevention plan: drafted by the prefectural disaster prevention council concerned and relating to an area of the prefecture.

b. city, town, or village area disaster prevention plan: drafted by the city, town, or village disaster prevention council concerned and relating to an area of the city, town or village.

c. prefectural designated area disaster prevention plan: drafted by a joint committee of prefectural disaster prevention councils and relating to an area which covers the area of two or more prefectures, in whole or in part.

d. city, town or village designated area disaster prevention plans: drafted by a joint committee of city, town or village disaster prevention councils and relating to an area which covers the area of two or more cities, towns or villages.

Notes: item (1): "cause to be prescribed by ordinance" - ordinance art. 1.

items (3) through (5): designated administrative organs designated by the Prime Minister as provided by art. 2 (3) of this Law (Prime Minister's Office notice no. 19, 1962); designated local administrative organs designated by the Prime Minister as provided by art. 2 (4) (Prime Minister's Office notice No. 25, 1962); designated public corporations designated by the Prime Minister as provided by art. 2 (5) (Prime Minister's office notice no. 26, 1962).

(Responsibilities of the State)

Art. 3. Inasmuch as the State has the mission of protecting its land, the life and limb of its citizens and their property from disaster, it is responsible for bringing to bear on disaster prevention all of its organization and capacities to the fullest effect.

2. In order to carry out such responsibilities as provided under the preceding paragraph, the State shall draft a plan which will provide a basis for disaster prevention, emergency measures to deal with a disaster and rehabilitation after that disaster, and shall implement the plan by law. At the same time, the State shall ensure the performance of business or operations relating to disaster prevention to be undertaken by local governments, designated public corporations, and designated local public corporations and others, exercise overall coordination of said business or operations and seek to distribute fairly, adequately and properly financial burdens consequent upon disaster.

3. Designated national and local administrative organs shall, in performing their respective business, act in concert in order that the responsibilities of the State provided under para. 1 may be fulfilled.

4. The chief officer of either a designated national or local administrative organ shall, in the interests of an effective formulation and execution of a prefectural, or a city, town or village disaster prevention plan, provide recommendations, guidance, advice and other pertinent assistance to the appropriate prefecture, or city, town or village.

(Responsibilities of the prefecture)

Art. 4. In the interest of protecting the area of a prefecture, the life and limb of its residents and their property from disas-

ter, the prefecture shall have the responsibility to formulate and implement, with the cooperation of agencies concerned and other local governments, a disaster prevention plan relating to its area, as prescribed by law, and at the same time, shall assist in the performance of business or operations related to disaster prevention of a city, town or village, and designated local administrative organs within the area, and shall exercise responsibility for overall coordination of such business or operations.

2. Agencies of a prefecture shall, in performing their business or operations, act in concert in order that responsibilities of the prefecture as provided under the preceding paragraph may be fulfilled.

(Responsibilities of a city, town or village)

Art. 5. In the interest of protecting the area of a city, town or village, the life and limb of its residents and their property from disaster, the city, town or village as a local government at the base shall have the responsibility to formulate, with the cooperation of related agencies and other local governments a disaster prevention plan pertaining to the area of said city, town or village, and to implement said plan as provided by law.

2. The mayor of the city or town or the head of the village shall, in order to fulfill responsibilities under the preceding paragraph, endeavor to employ to the highest degree all capacities of the city, town or village, by keeping the organization

of fire fighting agencies, flood prevention units etc. in good condition, and by consolidating organizations related to disaster prevention of public groups within the area of the city, town or village and voluntary disaster prevention groups among the residents in a community spirit of mutual help.

3. Fire fighting agencies, flood prevention units and other agencies of the city, town or village shall, in performing their respective business, act in concert in order that the responsibilities of the city, town or village as prescribed under the preceding paragraph may be fulfilled.

(Responsibilities of designated national and local public corporations)

Art. 6. Designated national and local public corporations shall have the responsibility to formulate a disaster prevention plan pertaining to their respective business and to implement it as prescribed by law, and at the same time, to render cooperation in their respective activities to the prefecture, city, town or village in order that the State, prefecture, city, town or village may effectively formulate and implement their disaster prevention plans as provided by this Law.

2. Designated national and local public corporations are obligated to contribute through their respective businesses toward the cause of disaster prevention, in view of the fact that their business is for the public good.

(Responsibilities of residents and others)

Art. 7. Public organizations, administrators of establishments important in terms of disaster prevention, and other parties having responsibility under the law for disaster prevention, are obligated, by law or under an appropriate area disaster prevention plan, to fulfill their responsibilities in good faith.

2. In addition to what is provided for in the preceding paragraph, residents of the area under local government are obligated to contribute toward the cause of disaster prevention.

(Exercising of care in the interest of disaster prevention in enforcing appropriate measures)

Art. 8. Both the State and the local government should exercise care so that all measures which they will carry out will contribute to preventing disaster which harms the land, the life and limb of the citizens and their property, be they specifically addressed to disaster or not.

2. In the interest of preventing a disaster from occurring and of blocking the spread of a disaster that has occurred, the local government as well as the State shall particularly endeavor to carry out matters listed below:

(1) relating to scientific research on disaster and its prevention and putting its findings into practice.

(2) relating to forest conservation, flood prevention and other matters concerning conservation of the land.

(3) relating to fireproofing of buildings and to the improvement of structures for prevention of disaster in the cities.

(4) relating to efficient operation of establishments and organizations concerned with activities necessary for disaster prevention such as weather observation and flood and earthquake prediction, forecasting, information gathering and other activities, and establishments and organizations concerned with communication.

(5) relating to the improvement of forecasts and alarms.

(6) relating to international cooperation with respect to consolidation of a network of weather observation.

(7) relating to international cooperation with respect to human control of typhoons, and other necessary research on disaster prevention, observation and exchange of information.

(8) relating to maintenance of efficient operation of establishments and organizations for flood prevention, fire fighting, rescue and relief, and other disaster emergency measures.

(9) relating to education and drills necessary for disaster prevention.

(10) relating to the dissemination of ideas about the importance of disaster prevention.

3. The State and the local government shall endeavor, in time of a disaster, to effect rehabilitation of establishments, and rescue and relief for victims toward an early recovery from the disaster.

(Government measures and report to the Diet)

Art. 9. The Government shall undertake necessary measures in terms of legislation and finances in order to achieve the objectives of this Law.

2. The Government shall report each year to the Diet about its plans for disaster prevention together with a general account of measures undertaken for disaster prevention, as provided by ordinance.

(Relation to other laws)

Art. 10. Matters concerning disaster prevention shall be disposed of by this Law except where specified by law otherwise.

Chapter II

Organization for Disaster Prevention

Section I

Central Disaster Prevention Council

(The Council and its business)

Art. 11. A Central Disaster Prevention Council shall be established in the Office of the Prime Minister.

2. The Central Disaster Prevention Council shall be charged with the responsibilities listed below:

(1) formulation and implementation of a basic disaster prevention plan.

(2) formulation and implementation of a plan of emergency measures for a major disaster.

(3) in response to inquiry from the Prime Minister, deliberation of major matters relating to disaster prevention.

(4) in addition to what is listed above, other business assigned by law to its authority.

3. The Prime Minister is required to consult the Central Disaster Prevention Council with respect to the matters listed below:

(1) basic policy of disaster prevention.

(2) major points in overall coordination of measures undertaken for disaster prevention.

(3) outline of urgent measures of temporary nature for a major disaster.

(4) establishment of a headquarters for major disaster control.

(5) declaration of a state of emergency.

(6) other major matters which the Prime Minister may deem necessary for disaster prevention.

(Organization of the Central Disaster Prevention Council)

Art. 12. The Central Disaster Prevention Council shall be composed of a chairman and members.

2. The Prime Minister shall serve as chairman.

3. The chairman shall direct and supervise the affairs of the Council.

4. In case of incapacity on the part of the chairman, a member named by him in advance shall perform his duties on his behalf.

5. The chairman shall appoint the members from among chief officers of designated administrative organs and persons with pertinent knowledge and experience.

6. Technical experts may be appointed to the Council in order to investigate matters requiring expert knowledge.

7. The Prime Minister shall appoint expert members from among officials of appropriate administrative organs or designated public corporations and persons with pertinent knowledge and experience.

8. A secretariat shall be established in the Central Disaster Prevention Council to transact the business of the Council.

9. The secretariat shall have a chief and members under him.

10. The secretariat shall manage its affairs under the direction of its chief.

11. In addition to what is listed above, necessary matters related to the organization and operation of the Council shall be decided upon by ordinance.

(Request for cooperation from appropriate administrative organs, etc.)

Art. 13. The Central Disaster Prevention Council shall have the right, with respect to its business, to seek data, opinions and views and other necessary cooperation from the chief officer of an appropriate national or local administrative organ, that

of a local government, any executive agency, or designated public corporation or designated local public corporation, or any other parties concerned.

2. The Central Disaster Prevention Council shall have the right to make recommendations or provide instructions in connection with the respective activities to local disaster prevention councils (referring to the disaster prevention council of a prefecture, city, town or village; applicable hereunder) or joint committees of local disaster prevention councils (referring to a joint committee of prefectural, city, town or village disaster prevention councils; applicable hereunder).

Section 2

Local Disaster Prevention Council

(Establishment of a prefectural disaster prevention council and its business)

Art. 14. A prefectural disaster prevention council shall be established in each prefecture.

2. A prefectural disaster prevention council shall be in charge of business covering the matters listed below:

(1) formulation and implementation of a prefectural area disaster prevention plan.

(2) collection of information about a disaster that has occurred involving the area of said prefecture.

(3) in time of a disaster involving the area of the prefecture, liaison and coordination in matters of emergency measures and rehabilitation programs among said prefecture and appropriate designated local administrative organs, the city, town or village concerned, designated public corporations and designated local public corporations concerned.

(4) formulation and implementation of a plan for emergency measures in time of a major disaster.

(5) in addition to what is listed above, other business assigned to the council by law or an ordinance based on it.

(Organization of a prefectural disaster prevention council)

Art. 15. A prefectural disaster prevention council shall be composed of a chairman and its members.

2. The governor of the prefecture shall serve as chairman.

3. The chairman shall direct and supervise the affairs of the council.

4. When the chairman is incapacitated a member whom he has named in advance shall perform his duties on his behalf.

5. Members shall be appointed from among the following persons:

(1) the chief officer of a designated local administrative organ having jurisdiction over the area of the prefecture, in whole or in part, or officials named by him.

(2) the Commanding Generals of Army Headquarters of the Self-Defense Forces having jurisdiction over the area of the prefecture, in whole or in part, or chief of a unit or an agency named by the Commanding Generals.

(3) the superintendent of a school board of the prefecture.

(4) the Chief of the Metropolitan Police or the chief of the prefectural police concerned.

(5) appointees of the governor of the prefecture from among officials of the prefecture.

(6) appointees of the governor of the prefecture from among mayors of cities or towns, or heads of villages, and chiefs of fire fighting units operating within the area of the prefecture.

(7) appointees of the governor of the prefecture from among officers and members of a designated national or local public corporation operating within the area of the prefecture.

6. Expert members may be appointed to the council in order to investigate matters requiring expert knowledge.

7. Expert members shall be appointed by the governor of the prefecture from among members of an appropriate local administrative organ, of the prefecture, of a city, town or village within the area of the prefecture, of an appropriate designated national or local public corporation, or persons with pertinent knowledge and experience.

8. In addition to what is provided above, other necessary matters with respect to the organization or operation of a prefectural disaster prevention council shall be decided by a prefectural ordinance based on standards provided by ordinance.

(City, town, or village disaster prevention council)

Art. 16. A city, town or village disaster prevention council shall be established in each city, town or village in order to formulate an area disaster prevention council involving the area of the city, town or village, and to implement it.

2. In addition to what is provided in the preceding paragraph, cities, towns or villages may by mutual agreement establish jointly a city, town or village disaster prevention council.

3. When such a joint city, town, or village disaster prevention council has been established or when duly approved by the governor of the prefecture, as provided by ordinance, the city, town or village may dispense with a separate disaster prevention council, the provisions of paragraph 1 notwithstanding.

4. When the governor of the prefecture intends to give approval as provided under the preceding paragraph, he is required to consult the prefectural disaster prevention council.

5. The organization and business of a city, town or village disaster prevention council shall be decided following the model of the prefectural disaster prevention council by an ordinance of the city, town or village (in the case of a city, town or village council established as provided under para. 2, by agreement).

(Joint committee of local disaster prevention councils)

Art. 17. When it is deemed necessary and efficacious among prefectures or among cities, towns or villages to formulate a disaster prevention plan for the designated area of the prefecture, city, town or village, in whole or in part, said prefectures, cities, towns or villages may by mutual agreement establish a joint committee of prefectural, city, town or village disaster prevention councils.

2. When such a joint committee of disaster prevention councils is formed, notification shall be forwarded to the Prime Minister in the case of a prefectural joint committee, and to the governor of the prefecture in the case of a city, town or village joint committee.

(Establishing a joint committee of prefectural disaster prevention councils)

Art. 18. When the Prime Minister deems it necessary and efficacious to form a designated area prefectural disaster prevention plan covering the area of two or more prefectures, in whole or in part, he may, upon consultation with the Central Disaster Prevention Council, designate the area to be covered by such a plan, and instruct the appropriate prefectures to establish a joint committee of prefectural disaster prevention councils.

2. When the Prime Minister has designated such an area as provided under the preceding paragraph, he is required to make public this action.

3. When instructions have been given under paragraph 1, the prefectures so instructed are required to establish a joint committee of prefectural disaster prevention councils.

(Establishing a joint committee of city, town or village disaster prevention councils)

Art. 19. When the governor of a prefecture deems it necessary and efficacious to formulate a designated area disaster prevention plan covering the area of two or more cities, towns or villages, in whole or in part, he may, upon consultation with the prefectural disaster prevention council, designate the area to be covered by such a plan, and instruct the appropriate cities, towns or villages to establish a joint committee of city, town or village councils.

2. When the governor of a prefecture has designated such an area as provided under the preceding paragraph, he is required to make public this action.

3. When instructions have been given under paragraph 1, the cities, towns or villages so instructed are required to establish a joint committee of city, town or village disaster prevention councils.

(Matters for ordinance)

Art. 20. In addition to what is provided under the three preceding articles, necessary matters with respect to local disaster prevention councils shall be decided by ordiance.

(Request for cooperation from appropriate administrative organs)
Art. 21. The prefectural disaster prevention council and city, town or village disaster prevention council (including a joint committee of local disaster prevention councils; hereinafter referred to as "local disaster prevention councils, etc.") shall have the right, when deemed necessary in the performance of their business, to seek data, opinions and views and other necessary cooperation from the chief officer of an appropriate national or local administrative organ, that of a local government and other executive agency, a designated national or local public corporation, or other parties concerned.
(Relations between local disaster prevention councils, etc.)
Art. 22. Local disaster prevention councils etc. are obligated to cooperate in the performance of their respective business.

2. The prefectural disaster prevention council may provide the city, town or village disaster prevention councils with necessary recommendation or instructions with respect to the performance of their business.
(Headquarters for disaster control)
Art. 23. When a disaster has occurred or is likely to occur involving the area of a prefecture, city, town or village, the governor of the prefecture, the mayor of the city or town, or the head of the village may, if he deems it necessary, upon consultation with the local disaster prevention council, establish a headquarters for disaster control as provided under a

prefectural or city, town or village area disaster prevention plan.

2. The headquarters for disaster control shall be headed by a chairman, and the governor of the prefecture, or the mayor of the city or town, or the head of the village shall serve as chairman at their respective levels.

3. The headquarters shall have a vice-chairman, headquarters members and other officials, to be appointed by the prefectural governor or the mayor of the city or town or the head of the village from among officials of the prefecture, city, town or village, as appropriate.

4. The headquarters for disaster control operating in close coordination with the local disaster prevention council, shall implement preventive and emergency measures involving the area of the prefecture or the city, town or village, as appropriately as provided under the prefectural area disaster prevention plan, or the city, town or village area disaster prevention plan.

5. The chairman of the prefectural headquarters for disaster control shall have the right to give to the prefectural police or the prefectural board of education necessary instructions in the implementation of preventive or emergency measures against disaster involving the area of the prefecture; likewise, the chairman of the city, town or village headquarters for disaster control shall have the right to instruct the board of education of that city, town or village.

6. In addition to what is provided above, other necessary matters of the headquarters for disaster control shall be decided by a prefectural, city, town or village ordinance.

Section 3

Headquarters for Major Disaster Control

(Establishing the headquarters for major disaster control)

Art. 24. When a major disaster has occurred and if deemed necessary because of the dimensions of the disaster and other conditions, the Prime Minister may establish a headquarters for major disaster control on a temporary basis in the Office of the Prime Minister, the provisions of art. 8 of the National Government Organization Law notwithstanding.

2. The designation of such headquarters, the area of its jurisdiction, and its duration shall be determined by the Prime Minister by referring these questions to a Cabinet conference.

3. When such a headquarters is established, the Prime Minister is required to make public its designation, location and its area of jurisdiction; when it is abolished he is required to make this action public.

(Organization of the headquarters)

Art. 25. The headquarters for major disaster control shall be headed by a chairman selected from among the Cabinet ministers.

2. The chairman of the headquarters for major disaster control shall direct the affairs of the headquarters and supervise its staff.

3. A vice-chairman, headquarters members and other officials shall be installed in the headquarters.

4. The vice-chairman of the headquarters shall assist the chairman and perform duties on behalf of the chairman when he is incapacitated.

5. The vice-chairman of the headquarters, headquarters members and other officials shall be appointed by the Prime Minister from among officials of designated administrative organs, of chief officers or members of designated local administrative organs.

(Business of the headquarters)

Art. 26. The headquarters for major disaster control shall be responsible for the following matters:

(1) relating to the overall coordination of emergency measures being taken under an appropriate disaster prevention plan within the area of its jurisdiction by the chief officer of a designated national or local administrative organ, the chief officer of a local government, or other executive agency, or a designated national or local public corporation.

(2) relating to the implementation of a plan for urgent measures in time of a major disaster.

(3) relating to business which is assigned under art. 28 to the authority of the chairman of the headquarters.

(4) in addition to what is listed above, any business that may be assigned to his authority by law.

(Delegation of authority of the chief officer of a designated administrative organ)

Art. 27. The chief officer of a designated administrative organ may, upon establishment of the headquarters for major disaster control, delegate his authority for emergency measures, in whole or in part, to members of the designated administrative organ, or the chief officer of a designated local administrative organ or its members, all of whom are headquarters members.

2. The chairman of the headquarters is required to make public any such delegation of authority he has made, as provided under the preceding paragraph.

(Authority of the chairman of the headquarters)

Art. 28. The chairman of the headquarters may exercise overall coordination of the exercise of authority, delegated under the preceding paragraph, by members of the headquarters within the area of its jurisdiction.

2. When it is deemed particularly necessary in the interest of accurate and speedy implementation of emergency measures within the area of jurisdiction, the chairman of the headquarters may give necessary instructions to the chief officer of an appropriate designated local administrative organ, that of a local government, or any other executive agency, or a designated national or local public corporation.

Section 4

Dispatch of Officials in Time of Disaster

(Request for dispatch of officials)

Art. 29. The governor of a prefecture, the prefectural committee or its members (hereinafter referred to as "prefectural governor and others") may, if necessary for emergency measures of rehabilitation efforts, request, as provided by ordinance, from the chief officer of a designated national or local administrative organ the dispatch of officials of respective organs.

2. The mayor of a city or town or the head of a village, or its respective committees, or members of such a committee (hereinafter referred to as "mayor of a city, town or the head of a village and others") may, if necessary for emergency measures or rehabilitation efforts, request, as provided by ordinance, from the chief officer of a designated local administrative organ the dispatch of its officials.

3. In making such a request, as provided under the two preceding paragraphs, the prefectural, city, town or village committee or its members are required to consult in advance with the prefectural governor, or the mayor of the city or town, or the head of the village.

(Intercession for dispatch of officials)

Art. 30. The governor of a prefecture and others, or the mayor of a city or town or the head of a village and others may, if necessary for emergency measures or rehabilitation efforts, seek

the intercession of the Prime Minister or the governor of another prefecture for the dispatch of officials by a designated national or local administrative organ, as provided by ordinance.

2. The governor of a prefecture and others or the mayor of a city or town or the head of a village may, if necessary for emergency measures or rehabilitation efforts, seek the intercession of the Prime Minister or the governor of another prefecture, as appropriate, for the dispatch of officials provided under art. 252 (17) of the Local Autonomy Law (Law no. 67, 1947), as provided by ordinance.

3. The provisions of art. 29 para. 3 shall, where and as necessary, apply tc a request provided under the two preceding paragraphs.

(Obligation to dispatch officials)

Art. 31. When a request for dispatch of officials or a request for intercession has been made under the two preceding articles, the chief officer of a designated national or local administrative organ, the governor of a prefecture and others, or the mayor of a city or town or the head of a village shall be obligated to dispatch such officials as are deemed qualified to the degree that so doing will not seriously hinder the performance of their respective business.

(Status and treatment of dispatched officials)

Art. 32. The prefecture, or the city, town or village may provide allowances as provided by ordinance to officials dis-

patched under the preceding article or by other law in the interest of emergency measures or rehabilitation efforts.

2. In addition to what is provided under the preceding paragraph, necessary matters with regard to the status and treatment of officials dispatched from a designated national or local administrative organ shall be decided by ordinance.

(Presentation of data on the dispatch of officials etc.)

Art. 33. In the interest of efficient dispatch of officials as provided under art. 31, the chief officer of a national or local administrative organ or the governor of a prefecture shall forward to the Prime Minister at regular intervals data indicating the number of officials by profession who have pertinent skills, knowledge or experience for disaster emergency measures or rehabilitation efforts, and describing the degree of their skills, knowledge or experience, and shall exchange such data.

Chapter III

Disaster Prevention Plan

(Formulation and release of a basic disaster prevention plan)

Art. 34. The Central Disaster Prevention Council shall formulate a basic disaster prevention plan, which shall be reviewed each year in the light of research findings, conditions of disasters that have occurred, and the effect of emergency measures taken, and revise it if deemed necessary.

2. When the Central Disaster Prevention Council has formulated or revised a basic disaster prevention plan as provided under the preceding paragraph, it shall promptly report it to the Prime Minister, inform the chief officers of designated administrative organs, governors of prefectuers, and designated public corporations, and release to the public an outline of the plan or revision.

Art. 35. A basic disaster prevention plan shall provide for the following matters:

(1) a long-term comprehensive plan for disaster prevention.

(2) matters to be stressed in operational disaster prevention plans and local disaster prevention plans.

(3) in addition to what is listed above, other matters which the Central Disaster Prevention Council may deem necessary in setting standards in the drafting of operational or area disaster prevention plans.

2. Matters to be stressed in operational or local disaster prevention plans as provided under the preceding paragraph shall be as follows:

(1) matters relating to disaster prevention

a. relating to education necessary for disaster prevention

b. relating to drills necessary for disaster prevention (rehearsal on paper, rehearsal by leaders included)

c. relating to the adoption of measures against natural disaster in safety campaigns

d. relating to the operation of a stockpiling system

e. relating to the management of disaster funds etc. of local governments

f. relating to efficient management of facilities for weather observation

g. relating to efficient management of facilities and equipment for flood prevention, fire fighting and rescue

h. relating to the promotion of fireproofing in the cities

i. relating to measures for disaster prevention in schools, hospitals, factories, workshops, construction sites, department stores, etc.

j. relating to measures for disaster prevention for cultural relics

k. relating to prevention of serious fires from electric leakage

l. relating to the establishment of a disaster prevention agricultural system

(2) matters relating to emergency measures:

a. relating to forecast, transmission of alarms, methods of warning in time of a disaster

b. relating to information gathering in time of a disaster

c. relating to the dissemination of information in time of a disaster

d. relating to evacuation (including mass evacuation of school children)

e. relating to flood prevention activities, fire fighting and rescue work

f. relating to the estimation of construction materials available and their emergency use

g. relating to the estimation of skilled persons available and orders to work in emergency operations

h. relating to programs to supply food and other daily necessities and materials for rehabilitation work in time of a disaster

i. relating to livestock management (including sanitation) and feed supply in time of a disaster

j. relating to emergency education for children and school children

k. relating to cleanup, epidemic control and public health in time of a disaster

l. relating to pest control in time of a disaster

m. relating to communication plans in time of a disaster

n. relating to rerouting electric power in time of a disaster

o. relating to plans for transportation and shipment in time of a disaster

p. relating to safekeeping of dangerous materials in time of a disaster

q. relating to crime prevention, traffic regulation, and the preservation of public order in time of a disaster

r. relating to the improvement of efficiency in dispatching the Self-Defense Forces

(3) matters relating to rehabilitation

a. relating to basic rehabilitation policy

b. relating to financing of rehabilitation and other funding

c. relating to application of special cases in house or land renting systems

d. relating to the rehabilitation of small businesses affected by a disaster

e. relating to ensuring livelihood for disaster victims

3. Data listed below shall be attached to the basic disaster prevention plan:

(1) the conditions of the land together with the weather situation

(2) a status report in outline of establishments and facilities necessary for disaster prevention

(3) information on personnel engaged in disaster

prevention activities

(4) availability of supplies necessary for disaster prevention

(5) transportation and communication necessary for disaster prevention

(6) in addition to what is listed above, other matters which the Central Disaster Prevention Council may deem necessary for disaster prevention.

(Operational disaster prevention plan of a designated administrative organ)

Art. 36. The chief officer of a designated administrative organ shall formulate an operational disaster prevention plan, based on the basic disaster prevention plan, pertaining to the business under his jurisdiction, shall review it every year, and shall revise it when deemed necessary.

2. When the chief officer of a designated administrative organ has formulated or revised an operational disaster prevention plan as provided under the preceding paragraph, he shall speedily report it to the Prime Minister, inform the governor of the appropriate prefecture and designated public corporation, and release to the public an outline of the plan or revision.

3. The provisions of art. 21 shall apply, where and as necessary, to the formulation or revision of an operational disaster prevention plan by the chief officer of a designated administrative organ as provided under para. 1.

Art. 37. An operational disaster prevention plan shall provide for the following matters:

(1) measures to be undertaken for disaster prevention pertaining to the business of a designated administrative organ

(2) in addition to what is listed above, matters which will serve as standards for the formulation of an area disaster prevention plan pertaining to the business concerned.

2. In formulating and implementing an operational disaster prevention plan, the chief officer of a designated administrative organ shall coordinate it with operational plans formulated by the chief officers of other designated administrative organs so that all operational plans will be formulated and implemented as an integrated whole.

(Relation to plans under other laws)

Art. 38. The portion bearing on disaster prevention in any plan related to disaster prevention, listed below, which is prepared by the chief officer of a designated administrative organ as provided under other laws, may not be inconsistent with or in conflict with the basic disaster plan or any operational disaster prevention plan:

(1) any national development plan provided under art. 2 para. 3 of the Multiple Purpose Land Development Law (Law no. 205, 1950)

(2) any agricultural development plan provided under art. 5 para. 1 of the Law Concerning Temporary Measures for

Development of Snowbound and Cold-Climate Single Crop Zones (Law no. 66, 1951)

(3) any national forestry plan provided under art. 4 para. 1 of the Forestry Law (Law no. 249, 1951)

(4) any operational plan for prevention of disaster provided under art. 3 para. 1 of the Law Concerning Temporary Measures for Disaster Prevention and Development in Special Soil Areas (Law no. 96, 1952)

(5) any agricultural development plan provided under art. 6 para. 1 of the Law Concerning Temporary Measures for Agricultural Development in Steep Uplands (Law no. 135, 1952)

(6) any basic power development plan provided under art. 3 para. 1 of the Power Development Promotion Law (Law no. 283, 1952)

(7) any agricultural improvement plan provided under art. 5 para. 1 of the Law for Promoting Agricultural Improvement for Single-Crop Areas of Poor Drainage (Law no. 354, 1952)

(8) any agricultural development plan provided under art. 4 para. 1 of the Law Concerning Temporary Measures for Agricultural Development for Coastal Sandy Areas (Law no. 12, 1953)

(9) any plan for re-arrangement of forest preserves provided under art. 2 para. 1 of the Law for Temporary Measures for Re-arranging Forest Preserves (Law no. 84, 1954)

(10) any consolidation plan for the capital city area

under art. 2 para. 2 of the Capital City Area Consolidation Law (Law no. 83, 1956)

(11) any basic plan for the construction of multiple purpose dams provided under art. 4 para. 1 of the Multiple Purpose Dams Law (Law no. 35, 1957)

(12) any five-year disaster prevention plan provided under art. 2 para. 2 of the Law Concerning Special Measures for Disaster Prevention in Areas Vulnerable to Typhoon (Law no. 72, 1958)

(13) any forest conservation plan and any flood control plan provided under art. 3 para. 1 of the Law Concerning Urgent Measures for Forest Conservation and Flood Control (Law no. 21, 1960)

(14) any basic plan for areas of heavy snow provided under art. 3 para. 1 of the Law Concerning Special Measures for Areas of Heavy Snow (Law no. 73, 1962)

(15) in addition to what is listed above, any other plan provided by ordinance.

(Operational disaster prevention plans of designated public corporations)

Art. 39. A designated public corporation shall formulate an operational disaster prevention plan, based on the basic disaster prevention plan, relating to the corporation's business, review its operational plan every year, and revise it when deemed necessary.

2. When a designated public corporation has formulated or revised an operational disaster prevention plan provided under the preceding paragraph, the corporation shall report it promptly to the Prime Minister through the competent Minister, inform the governors of appropriate prefectures, and release to the public an outline of its plan or revision.

3. The provisions of art. 21 shall apply, where and as necessary, to the formulation or revision of an operational disaster prevention plan by a designated public corporation as provided under paragraph 1.

(Prefectural area disaster prevention plan)

Art. 40. A prefectural disaster prevention council shall formulate an area disaster prevention plan involving the area of the prefecture, based on the basic disaster prevention plan, and shall review the area plan every year, and revise it when deemed necessary. In such cases, the prefectural area disaster prevention plan may not be in conflict with any appropriate operational disaster prevention plan.

2. A prefectural area disaster prevention plan shall provide for the matters listed below:

(1) general outline of business or operations relating to disaster prevention involving the area of the prefecture and falling under the purview of a designated local administrative organ having jurisdiction over the area of the prefecture, in whole or in part, the prefecture, and the cities, towns and

villages within the area of the prefecture, a designated national or local public corporation, and administrators of public organizations or establishments within the area of the prefecture concerned.

(2) plans by category of operations within the area of the prefecture: creation or improvement of disaster prevention establishments, investigation and research, education, drills and other preventive measures, collection and transmission of information, issuance and transmission of forecasts and alarms, evacuation, fire fighting, flood prevention, rescue, sanitation, other emergency measures and rehabilitation efforts.

(3) plans for coordination, stockpiling, procurement, distribution, shipment, communication with reference to labor, establishments, equipment, materials, funds etc. required for measures relating to disaster prevention involving the area of the prefecture, as provided under the preceding item.

(4) in addition to what is listed in the preceding items, matters which the prefectural disaster prevention council may deem necessary for disaster prevention involving the prefectural area.

3. When the prefectural disaster prevention council wishes to formulate a prefectural area disaster prevention plan or revise it provided under paragraph 1, the council is required to consult in advance with the Prime Minister, who in turn shall consult the Central Disaster Prevention Council.

4. When the prefectural disaster prevention council has formulated or revised its prefectural area disaster prevention plan provided under paragraph 1, the council is required to release a summary of said plan or revision.

Art. 41. The portion bearing on disaster prevention in any plan for disaster prevention or related to disaster prevention may not in any way in conflict with the basic disaster prevention plan, any appropriate operational disaster prevention plan, or any prefectural area disaster prevention plan:

(1) a prefectural flood prevention plan provided under art. 7 para. 1 of the Flood Prevention Law (Law no. 193, 1949) and a flood prevention plan of a designated control agency provided under art. 25 of said Law.

(2) plans provided under art. 2 of the Multiple Purpose Land Development Law: any prefectural multiple purpose development plan under para. 4, any local multiple purpose development plan under para. 5, and a multiple purpose development plan for special areas under para. 6.

(3) any agricultural development plan provided under art. 4 para. 1 of the Law to Facilitate Agricultural Improvement in Snowbound Cold-Climate Single Crop Zones.

(4) any agricultural development plan provided under art. 5 para. 1 of the Law Concerning Temporary Measures for Agricultural Development in Steep Uplands.

(5) (cancelled)

(6) any agricultural improvement plan provided under art. 4 of the Law for Promoting Agricultural Development for Single-Crop Areas of Poor Drainage.

(7) any agricultural development plan provided under art. 3 para. 1 of the Law Concerning Temporary Measures for Agricultural Development for Sandy Coastal Areas.

(8) any offshore island development plan provided under art. 3 para. 1 of the Offshore Islands Development Law (Law no. 72, 1953).

(9) any basic plan for improvement of establishments to preserve coastal areas, provided under art. 23 para. 1 of the Coastal Area Law (Law no. 101, 1956).

(10) any basis construction plan for prevention of landslides provided under art. 9 of the Landslide Prevention Law (Law no. 30, 1958).

(11) in addition to those listed above, any plan as provided by ordinance.

(City, town or village area disaster prevention plan)

Art. 42. A city, town or village disaster prevention council (for a city, town or village without a disaster prevention council, the mayor of the city or town, or the head of the village; applicable hereinunder) shall formulate an area disaster prevention plan involving the area of the city, town or village, based on the basic disaster prevention plan, and shall review the area plan every year, and shall revise it when deemed neces-

sary. In so doing, the city, town or village area disaster prevention plan may not conflict with any appropriate operational disaster prevention plan or any prefectural area disaster prevention plan of the prefecture comprising said city, town or village.

2. A city, town or village area disaster prevention plan shall provide for the matters listed below:

(1) general outline of business or operations relating to disaster prevention involving the area of the city, town or village and falling under the purview of the city, town or village concerned and of the administrators of public organizations or important establishments for disaster prevention within the area.

(2) plans by category of operations within the area of the city, town or village: creation or improvement of disaster prevention establishments, investigation and research, education, drills and other preventive measures, collection and transmission of information, issuance and transmission of forecasts and alarms, evacuation, fire fighting, flood prevention, rescue, sanitation and other emergency measures and rehabilitation efforts.

(3) plans for coordination, stockpiling, procurement, distribution, shipment, communication with reference to labor, establishments, equipment, materials, funds etc. required for measures relating to disaster prevention involving the area of the city, town or village, as provided under the preceding item.

(4) in addition to what is listed in the preceding items, matters which the city, town or village disaster prevention council may deem necessary for disaster prevention involving the area of the city, town or village.

3. When the city, town or village disaster prevention council intends to formulate or revise its area disaster prevention plan provided under paragraph 1, the council is required to consult in advance with the governor of the prefecture, who shall in turn consult with the prefectural disaster prevention council.

4. When the city, town or village disaster prevention council has formulated or revised its area disaster prevention plan provided under paragraph 1, the council is required to release a summary of said plan or revision.

5. The provisions of art. 21 shall apply, where and as necessary, to the formulation or revision of a city, town or village disaster prevention plan by the mayor of the city or town or the head of the village, as provided under paragraph one.

(Prefectural disaster prevention plan for a designated area)

Art. 43. The joint committee of prefectural disaster prevention councils shall formulate a prefectural plan for a designated area and review the plan annually, and revise it when deemed necessary. In this case, the prefectural plan for the

designated area may not conflict with any operational disaster prevention plan.

2. Matters to be provided for in the prefectural plan for a designated area shall be such as the Central Disaster Prevention Council shall designated from among the matters listed in the items under art. 40 para. 2.

3. The provisions of art. 40 para. 3 shall be applied, where and as necessary, to the formulation and revision of the prefectural disaster prevention plan for a designated area by a joint committee of prefectural disaster prevention councils.

4. When the joint committee of prefectural disaster prevention councils has formulated a prefectural disaster prevention plan, the joint committee is required to make public a summary of the plan or revision.

(City, town or village disaster prevention plan for a designated area)

Art. 44. The joint committee of city, town or village disaster prevention councils shall formulate a city, town or village disaster prevention plan for a designated area, review the plan annually, and revise it when deemed necessary. In this case, the plan may not conflict with any operational disaster prevention plan or any prefectural area disaster prevention plan of the prefecture which comprises said city, town or village.

2. Matters to be provided for in the city, town or village disaster prevention plan for a designated area shall be

designated by the prefectural disaster prevention council from among the matters listed in the items under art. 42, para. 2.

3. The provisions of art. 42 para. 3 shall be applied, where and as necessary, to the formulation or revision of a disaster prevention plan for a designated area of a city, town or village by the joint committee of city, town or village disaster prevention councils.

4. When the joint committee of city, town or village disaster prevention councils has formulated or revised its disaster prevention plan for the designated area, as provided under the preceding paragraph, the committee is required to release a summary of said plan or revision.

(Request, etc. in implementing designated area disaster prevention plans)

Art. 45. When deemed necessary in the interest of accurate and effective implementation of a designated area disaster prevention plan, the chairman of a local disaster prevention council or the representative of a joint committee of local disaster prevention councils may make necessary requests or recommendations or provide instructions with regard to any business or operations within the scope of the plan and under purview of the parties listed below: in the case of the prefectural disaster prevention council or the joint committee of prefectural councils, to the chief officer of a designated local administrative

organ in charge of the area of that prefecture, in whole or in part, the prefecture, the mayor of a city, town, or the head of a village in that prefecture, any other executive agency, designated local public corporations, any public organization, administrators of establishments important in disaster prevention, and other parties concerned within the area; in the case of a city, town or village disaster prevention council or a joint committee of city, town or village disaster prevention councils, to the mayor of a city or town or the head of a village, any other executive agency, public organizations, administrators of establishments important in disaster prevention, or other parties concerned within the area.

2. The chairman of a local disaster prevention council or the representative of a joint committee of local disaster prevention councils may ask for a report or data on the implementation of an area disaster prevention plan: in the case of the prefectural disaster prevention council or its joint committee, from the chief officer of a designated local administrative organ in charge of the area of the prefecture, in whole or in part, the mayor of a city or town, or the head of a village and any other executive agency, designated local public corporations public organizations, administrators of establishments important in disaster prevention, or other parties concerned within the area; in the case of the city, town or village disaster prevention council or its joint committee, from the

mayor of the city or town, or the head of the village, any other executive agency, public organizations, administrators of establishments important in disaster prevention, or other parties concerned within the area.

Chapter IV

Prevention of Disasters

(Prevention of disasters and responsibility for its implementation)

Art. 46. Prevention of disasters shall be performed for the purpose of preventing any disaster ahead of time in matters listed below:

(1) keeping in good condition of organizations concerned with disaster prevention

(2) drills for disaster prevention

(3) stockpiling, replenishing and inspection of materials and supplies for disaster prevention

(4) maintenance and inspection of establishments and equipment for disaster prevention

(5) in addition to the matters listed in the preceding items, other matters concerning improvement of such conditions as will hinder the implementation of emergency measures in time of a disaster.

2. Chief officers of designated national or local administrative organs, local governments, any other executive agency, designated national or local public corporations, and any other

parties responsible by law for the implementation of disaster prevention are required, by law or under a disaster prevention plan, to carry out disaster prevention.

(Responsibility for maintaining organizations for disaster prevention)

Art. 47. The chief officer of a designated national or local administrative organ, any other executive agency, a designated national or local public corporation, and the administrator of an establishment important for disaster prevention (hereinafter referred to as "those responsible for disaster prevention"), acting by law or under an appropriate disaster prevention plan, within the purview of their respective responsibilities, shall strive to keep in good condition and improving organizations necessary for anticipating, forecasting or speedily transmitting information on disaster.

2. In addition to what is provided for under the preceding paragraph, those responsible for disaster prevention, acting by law or under an appropriate disaster prevention plan, in the interest of accurate and effective implementation of the disaster prevention plan, shall keep in good condition and improving organizations related to disaster prevention and set standards for the assignment of officials and for the performance of their duties for disaster prevention.

(Responsibility for disaster prevention drills)

Art. 48. Those responsible for disaster prevention shall, as

prescribed by law or an appropriate disaster prevention plan, perform disaster prevention drills, severally or in concert with others responsible for disaster prevention.

2. The officials and other personnel of organizations to which those responsible for disaster prevention belong, and employees of those responsible for disaster prevention and other personnel are required to participate in disaster prevention drills as provided under an appropriate disaster prevention plan and as determined by those responsible for disaster prevention.

3. When those responsible for disaster prevention wish to carry out disaster prevention drill, they may seek the cooperation of the local residents and other organizations concerned, private or public.

(Responsibility for stockpiling materials and supplies necessary for disaster prevention)

Art. 49. Those responsible for disaster prevention are required, by law or under an appropriate disaster prevention plan, to stockpile materials and supplies necessary for emergency measures or rehabilitation work related to disaster prevention within the scope of their respective business, replenish such materials and supplies with proper inspection, and keep in good order establishments and equipment for disaster prevention under their control.

Chapter V

Disaster Emergency Measures

Section 1

General Rules

(Emergency measures and responsibility for their implementation)

Art. 50. Emergency measures for disaster shall be taken with respect to the matters listed below for the purpose of anticipating a disaster when there is danger of occurrence, or of conducting emergency rescue work when a disaster has occurred so as to prevent the spread of the disaster:

(1) matters related to the issuance and transmission of alarm, recommendations or orders for evacuation.

(2) matters related to emergency measures, such as fire fighting, flood prevention.

(3) matters related to rescue, relief and protection of disaster victims.

(4) matters related to emergency instruction of children and school children affected by disaster.

(5) matters related to temporary restoration of establishments and equipment.

(6) matters related to cleanup, epidemic control, public health and sanitation.

(7) matters related to crime prevention, traffic control, and the preservation of social order.

(8) matters related to emergency transport.

(9) matters related to measures for prevention of disaster or for the spread of disaster.

2. The chief officer of a designated national or local administrative organ, that of a local government, any other executive agency, a designated national or local public corporation, or any other parties responsible, by law, for implementing emergency measures for disaster are required to carry out such measures, as prescribed by law or under an appropriate disaster prevention plan.

(Information gathering and transmission)

Art. 51. The chief officer of a designated national or local administrative organ, that of a local government, any other executive agency, a designated national or local public corporation, any public organization, and administrators of establishments important for disaster prevention (hereinafter referred to as "those responsible for disaster emergency measures") are required to strive for information gathering and transmission related to disaster, as prescribed by law or under an appropriate disaster prevention plan.

(Signals)

Art. 52. The kind, nature, pattern or method of signal employed in the issuance and transmission of an alarm, warning, recommendations or orders for evacuation, shall be determined by the Office of the Prime Minister except where specified by other law.

2. No person shall be permitted to employ a signals provided under the preceding paragraph or similar signals for other than legitimate purposes.

(Report on conditions of disaster)

Art. 53. When a disaster has occurred in the area of a city, town or a village, the mayor of the city or town or the head of the village shall, as provided by ordinance, report promptly to the governor of the prefecture on conditions of disaster and provide an outline of the measures taken.

2. When a disaster has occurred in the area of a prefecture, the governor of the prefecture shall, as provided by ordinance, report to the Prime Minister on conditions of disaster and provide an outline of the measures taken.

3. The representative of a designated public corporation shall, when a disaster has occurred pertaining to its business, report, as provided by ordinance, promptly to the Prime Minister on conditions of disaster and provide an outline of the measures taken.

4. The chief officer of a designated administrative organ shall, when a disaster has occurred pertaining to its business, report, as provided by ordinance, promptly to the Prime Minister on conditions of disaster and provide an outline of the measures taken.

5. When reporting to the Prime Minister under the provisions of para. 2, 3 or 4, the governor of the prefecture,

the representative of a designated public corporation, or the chief officer of a designated administrative organ shall also communicate to the Central Disaster Prevention Council matters concerning said report.

Section 2

Transmission of Alarms, etc.

(Discoverer's responsibility to report)

Art. 54. Any person having detected an unusual event which may lead to a disaster shall notify without delay the mayor of the city or town or the head of the village, the police or maritime safety officials.

2. Every person is required to cooperate so that the notification under the preceding paragraph may reach appropriate authorities as rapidly as possible.

3. The police or maritime safety officials shall, upon receipt of the notification under para. 1, promptly forward it to the mayor of the city or town or the head of the village.

4. The mayor of the city or town or the head of the village shall, upon receipt of the notification under para. 1 or 3, forward it to the Meteorological Agency or other appropriate agencies, under an appropriate area disaster plan.

(Prefectural governor's notification, etc.)

Art. 55. When the governor of a prefecture has received from the Meteorological Agency or any other agency of the State a forecast or an alarm of a disaster as provided by law, or

when he has issued an alarm pertaining to a disaster, he shall, by law or under an appropriate area disaster prevention plan, make necessary communications or requests to the chief officers of designated local administrative organs, designated local public corporations, the mayor of the city or town, or the head of the village concerned, and other parties concerned in regard to the impending disaster and measures being considered.

(Mayor's transmission of alarm and warning, etc.)

Art. 56. When the mayor of a city or town or the head of a village has received a forecast or an alarm of a disaster as provided by law, or when he has learned of a forecast or an alarm of disaster on his own, or when he has by law himself issued an alarm on his own, or when he has received notification under art. 55, he is required, under an appropriate area disaster prevention plan, to transmit said forecast, alarm or matters pertaining to the notification to appropriate agencies, the local residents, and any other public or private organization concerned. In so doing he may, when deemed necessary, also make pertinent communication or warning with respect to the impending disaster and the measures being considered to deal with it.

(Priority use of communication facilities, etc.)

Art. 57. In cases where notification, request, transmission or alarm under the two preceding articles requires urgency

when there is a specific need, the governor of a prefecture, the mayor of a city or town, or the head of a village may, by ordinance unless otherwise provided by law, use on a priority basis public electric communication facilities installed by parties under art. 3 para. 3 (3) of the Electric Communication Law (Law no. 96, 1953) or radio facilities, or he may request that a broadcast be made by a radio station under art. 2 (3) of the Radio Broadcasting Law (Law no. 132, 1950).

Section 3

Precautionary Steps and Evacuation

(Mayor's orders for action, etc.)

Art. 58. When a disaster is believed imminent, the mayor of a city or town, or the head of a village shall, by law or under an appropriate area disaster prevention plan, order a fire fighting unit or a flood prevention unit to prepare for action or to act, or ask those responsible for emergency measures for disaster to make preparations for taking such measures as alerting or mobilizing police or maritime safety officials.

(Mayor's precautionary steps, etc.)

Art. 59. When a disaster is believed imminent or when a disaster has occurred, the mayor of a city or town, or the head of a village may order the occupant, owner, or administrator of an establishment or materials which would be likely to spread the disaster to remove for safekeeping or any other necessary disposition the said establishment or materials to the extent it is necessary to prevent the spread of the disaster.

2. The chief of a local police station, or the chief of a maritime safety regional headquarters as provided by ordinance (hereinafter to as "chief of a police station and others) may, at the request of the mayor of the city or town, or the head of the village, issue orders provided under the preceding paragraph. When such orders have been issued, the chief of a police station and others shall immediately notify the mayor of the city or town or the head of the village.

(Mayor's orders for evacuation)

Art. 60. In the interest of protecting life and limb from disaster or of preventing the spread of a disaster when it has occurred or is believed imminent, the mayor of the city or town or the head of the village may, when deemed necessary, make recommendations to the local residents, temporary residents and others of an area concerned to evacuate, or may, when deemed urgent, give instructions to these persons to evacuate for safety.

2. When the mayor of a city or town or the head of village makes recommendations or give instructions for evacuation under the provisions of the preceding paragraph, he may, if deemed necessary, specify a point to which evacuees will proceed.

3. When the mayor of a city or town, or the head of a village has recommended or instructed evacuation for safety under the paragraph 1, or when he has specified the point to

which the evacuees will proceed, he shall report promptly to the governor of the prefecture.

4. When there is no longer the need for evacuation, the mayor of the city or town or the head of the village shall immediately make public the fact. The provisions of the preceding paragraph shall apply to this case, where and as necessary.

(Orders for evacuation by police and others)

Art. 61. In cases provided for under the first paragraph of the preceding article, when the mayor of the city or town or the head of the village is found unable to order evacuation for safety under said paragraph, or when there has been a request from the mayor or the head, the police or maritime safety officials may order the evacuation for the safety of the residents, temporary residents or other persons in an area for which evacuation is deemed necessary. The provisions of para. 2 of the preceding article applies to this case, where and as necessary.

2. When the police or maritime safety officials have ordered evacuation for safety under the provisions of the preceding paragraph, they shall report this fact immediately to the mayor of the city or town or the head of the village.

3. The provisions of paras. 3 and 4 of the preceding article shall apply to the mayor of a city or town or the head of the village who has received a report under the preceding paragraph, where and as necessary

Section 4

Emergency Measures

(Emergency measures at the city, town or village level)

Art. 62. When a disaster has occurred or is imminent in the area of a city or town or a village, the mayor of the city or town or the head of the village shall, by law or under an appropriate area disaster prevention plan, promptly implement necessary emergency measures to prevent disaster or the spread of a disaster (hereinafter referred to as "emergency measures") such as fire fighting, flood prevention, rescue, etc.

2. When a disaster has occurred or is imminent in the area of a city or town or village, the committee of said city, town or village or its members, any public organization in that area, administrators of such establishments as are important for disaster prevention, and other parties responsible for the implementation of emergency measures shall, under an appropriate area disaster prevention plan, implement emergency measures as pertains to their respective business or operations under the direction of the mayor of the city or town or the head of the village, and also shall cooperate in the implementation of such emergency measures as the city, town or village may undertake.

(Right to establish a restricted area in a city, town or village)

Art. 63. When a disaster has occurred or is imminent, the mayor of the city or town, or the head of the village may, when deemed necessary to prevent danger to life or limb, establish a res-

tricted area to which access shall be restricted or prohibited to any persons other than those engaged in emergency measures, or may order any persons other than those so engaged to leave the area.

2. In cases described in the preceding paragraph, if the mayor of the city or town or the head of the village, or officials performing duties provided under that paragraph on his behalf are not on the scene, or if they request, police or maritime safety officials may perform the duties on their behalf. When such duties have been performed on behalf of the mayor of the city or town or the head of the village, the police or maritime safety officials shall immediately report their action to the mayor or the head of the village.

(Requisitioning for emergency official use)

Art. 64. When a disaster has occurred involving the area of a city or town or village, or is imminent, the mayor of the city or town or the head of the village may, if deemed urgently necessary in the interest of implementing emergency measures, employ for temporary use any plot, building or any other structure belonging to any person within the area, use or requisition materials such as earth, stone, bamboo, lumber, etc. as provided by ordinance.

2. When a disaster has occurred involving the area of a city, town or village, or is imminent, the mayor of the city or town or the head of the village may, if deemed urgently

necessary in the interest of implementing emergency measures, remove or otherwise dispose of any structure or materials on the scene affected by the disaster and which may hinder the execution of emergency measures (hereinafter referred to as "structures, etc."). In this case, when structures etc. have been removed, the mayor of the head of the village concerned is required to keep them under his custody.

3. When the mayor of the city or town or the head of the village has taken into custody structures etc. under the preceding paragraph, he shall by ordinance make public matters concerning the return of said structures etc. to the occupant, owner or any persons having title to them (hereinafter referred to as "occupants and others").

4. When there is the danger of structures etc. which have been placed into custody under para. 2 being destroyed, lost or damaged, or when their custody would incur undue cost or effort, the mayor of the city or town or the head of the village may by ordinance sell such structures etc. and hold the sales proceeds.

5. Costs of custody of structures etc., their sale, making public notices in connection with them, etc. under para. 3, shall be charged against the occupants and others, and as regards the collection of such expenses, arts. 5 and 6 of the Law Concerning Execution by Proxy of Administrative Matters (Law no. 43, 1948) shall apply, where and as necessary.

6. When the mayor of the city or town or the head of the village finds that he is unable to return structures etc. which have been held in custody under para. 2 (including sales proceeds under para. 4; to be applicable hereinunder) the ownership of said structures etc. shall, at the end of six months from the date of public notice provided under para. 3, revert to the city, town or village concerned.

7. The provisions of art. 63 para. 2 shall, where and as necessary, apply to cases under art. 63 para. 1 and the first half of para. 2.

8. When structures etc. have been removed under the provisions of art. 63 para. 2, applied where and as necessary, the police or maritime safety officials shall present said structures etc. to the chief of the police station and others having jurisdiction over the original location of said structures etc. and they in turn are required to keep them in custody.

9. As regards the custody of structures etc. under the preceding paragraph, the provisions of paras. 3 through 6 shall also apply. However, if structures etc. cannot be returned at the end of six months from the date of public notice under para. 3, their ownership shall revert to the prefecture to which the police station belongs if said structures etc. are under police custody, and to the national government if they are under the custody of the maritime safety regional headquarters.

Art. 65. When a disaster involving the area of a city, town or village has occurred or is imminent, the mayor of the city or town or the head of the village may, when deemed urgently necessary to carry out emergency measures, cause any local residents or any persons who are on the scene to engage in operations under such emergency measures.

2. The provisions of art. 63 para. 2 shall, where and as necessary, apply to the preceding paragraph.

(Special cases of disposition for flotsam in time of a disaster)

Art. 66. When flotsam or submerged goods as provided under art. 29 para. 1 of the Sea Casualties Rescue Law (Law no. 95, 1899) have been removed, the chief of the police station and others may keep such objects in custody, the provisions of said paragraph notwithstanding.

2. The provisions of chapter II of the Sea Casualties Rescue Law shall, where and as necessary, apply to cases in which the chief of the police and others have taken into custody flotsam or submerged goods under the preceding paragraph.

(Request for support from other cities, towns or villages)

Art. 67. When a disaster has occurred involving the area of a city, town or village, the mayor of the city or town or the head of the village may, if deemed necessary in implementing emergency measures, seek support from the mayors of other cities or towns of the heads of other villages. In such cases, the mayor of the city or town or the head of the village so requested may

not refuse support except for legitimate reasons.

2. Those who render such support under the preceding paragraph shall be under the direction of the mayor of the city or town or the head of the village and others who have requested support so far as the implementation of emergency measures is concerned.

(Request for support etc. from prefectural governors and others)

Art. 68. When a disaster has occurred involving the area of a city, town or village, the mayor of the city or town or the head of the village may, if deemed necessary in implementing emergency measures, request support or implementation of emergency measures from the governor of the prefecture.

2. The provisions of the latter part of para. 1 of art. 67 shall apply, where and as necessary, in cases under the preceding paragraph.

(Special cases of procedure for delegation of business in time of a disaster)

Art. 69. When a disaster has occurred involving the area of a city, town or village, the mayor of the city or town or the head of the village may, if deemed necessary in implementing emergency measures, delegate by ordinance its business or part of the business under the purview of the mayor of the city or town or the head of the village to another local government and cause the chief officer of said local government or any other executive agency to carry it out, the provisions of art. 252 para. 14 and art. 252 para. 15 of the Local Autonomy Law notwithstanding.

(Emergency measures at the prefectural level)

Art. 70. When a disaster has occurred involving the area of a prefecture or appears imminent, the governor of the prefecture shall, by law or under an appropriate area disaster prevention plan, implement promptly such emergency measures as fall under his purview. In such cases, the governor of the prefecture is also required to see that emergency measures at the level of cities, towns and villages within the area are carried out correctly and effectively.

2. When a disaster has occurred involving the area of a prefecture or appears imminent, the committee of the prefecture or its members shall, by law or under an appropriate area disaster prevention plan, implement such emergency measures as pertain to its business under the direction of the governor.

3. When it is deemed necessary in the interest of implementing emergency measures under para. 1 or of ensuring a correct and effective implementation of emergency measures at the city, town or village level within the area, the governor of the prefecture may request the implementation of emergency measures by the chief officer of a designated national or local administrative organ, or by any other executive agency of said prefecture, or by a designated national or local public corporation.

(Governor's orders to work in emergency measures)

Art. 71. When a disaster has occurred involving the area of a prefecture, the governor of the prefecture may, if deemed necessa-

ry in implementing emergency measures under art. 50 paras. 4 through 9, invoke the provisions of arts. 24 through 27 of the Disaster Relief Law (Law no. 118, 1947) and issue orders for work, cooperation or custody, so that he may administer, employ or requisition any establishment, land, house or materials, or cause his officials to enter and inspect any establishment, land, house of materials, or any place where such materials are held in custody, or to ask for a report from individuals who have been assigned the custody of such materials.

2. Part of the authority of the governor of a prefecture under the preceding paragraph may by ordinance be delegated to the mayor of the city or town or the head of the village concerned.

(Governor's orders)

Art. 72. When it is deemed specifically necessary in the interest of implementing correctly and effectively emergency measures at the city, town or village level in a prefecture, the governor of the prefecture may give necessary orders with respect to the implementation of emergency measures or with respect to support for mayors of other cities or towns or heads of other villages.

2. Those who engage in support under orders from the governor under the preceding paragraph shall act under the direction of the mayor of the city or town or the head of a village receiving support insofar as the implementation of emergency measures is concerned.

(Execution of emergency measures on behalf of a prefectural governor)

Art. 73. In time of a disaster involving the area of a prefecture, when the city or town or village finds that it is unable to conduct its business or the bulk of it as a result of the disaster, the governor of the prefecture shall act on its behalf to implement, in whole or in part, such emergency measures as the mayor of the city or town or the head of the village shall carry out under art. 63 para. 1, art. 64 paras. 1 and 2, and art. 65 para. 1.

2. When the governor of a prefecture has begun or completed the conduct of business on behalf of the mayor of a city, or town or the head of a village under the provisions of the preceding paragraph, he shall make public this action.

3. Other necessary matters for the governor of a prefecture in acting on behalf of the mayor of a city or town or the head of a village under para. 1 shall be provided by ordinance.

(Request for support from another prefectural governor)

Art. 74. When the governor of a prefecture deems it necessary in time of a disaster involving the area of the prefecture, he may seek support from other prefectural governors, who in turn may not refuse support except for legitimate reasons.

2. Those engaged in support under the preceding paragraph shall act under the direction of the prefectural governor who has requested support, insofar as the implementation of emergency

measures is concerned. As regards the police, they shall perform duties of the public safety commission of said prefecture under that commission's direction.

(Special cases of delegation of business in time of a disaster)

Art. 75. When it is deemed necessary in implementing emergency measures in time of a disaster involving the area of a prefecture, the governor of said prefecture may by ordinance delegate the business, or part of the business, under his purview to another prefectural governor so as to cause the latter to direct and execute said business, the provisions of art. 252 paras. 14 and 15 notwithstanding.

(Traffic ban or restrictions in time of a disaster)

Art. 76. When a prefectural public safety commission deems it necessary in the interest of urgent transport of personnel and materials required for emergency measures in time of a disaster involving that prefecture or one bordering on it, the safety commission may, by ordinance, restrict or ban vehicular traffic in any section of a road, except for vehicles performing urgent transport.

(Emergency measures by the chief officer of a designated administrative organ)

Art. 77. When a disaster has occurred or appears imminent, the chief officer of a designated administrative organ or of a designated local administrative organ is required, by law or under an appropriate disaster prevention plan, to implement promptly such

emergency measures as pertain to business under his purview and to take necessary steps in the interest of a correct and effective implementation of emergency measures at the level of the prefecture, city, town or village.

2. In cases under the preceding paragraph, the chief officer of a designated national or local administrative organ may, if deemed necessary for implementing emergency measures, request or order the prefectural governor, the mayor of the city or town, or the head of the village, a designated national or local public corporation to implement emergency measures.

(Requisitioning by the chief officer of a designated administrative organ and others)

Art. 78. When in time of a disaster it is deemed especially necessary in the interest of implementing emergency measures pertaining to matters under art. 50 para. 1 (4) through (9), the chief officer of a designated national or local administrative organ may, under an appropriate operational disaster prevention plan, order the storage of materials necessary for emergency measures by individuals whose occupations are the production, collection, marking, storage or shipping of such materials; the administrative officers may also requisition such materials as are necessary for emergency measures.

2. When the chief officer of a designated national or local administrative organ deems it necessary in the course of ordering the storage of materials or requisitioning materials

under the preceding paragraph, he may cause his officials to enter and inspect the place where said materials are stored or located.

3. The chief officer of a designated national or local administrative organ may, when deemed necessary, ask for a report from individuals who have materials in their custody under the preceding paragraph, or cause his officials to enter and inspect the place where such materials are stored.

(Priority use of communication facilities)

Art. 79. When in time of a disaster it is particularly urgent to make necessary communications in implementing emergency measures, the chief officer of a designated national or local administrative organ, the prefectural governor, or the mayor of a city or town or the head of a village may, unless otherwise provided by law, use on a priority basis public electric communication facilities, or use facilities for electric communication or radio facilities installed by individuals under art. 3 para. 3 (3) of the Electric Communication Law.

(Emergency measures by designated public corporations and others)

Art. 80. When a disaster has occurred or appears imminent, a designated national or local public corporation shall by law or under an appropriate disaster prevention plan implement promptly emergency measures pertaining to business under its purview and shall take necessary steps in the interest of a correct and efficient implementation of emergency measures by the chief

officer of a designated local administrative organ, a prefectural governor and others, or the mayor of a city or town or the head of a village and others.

2. When a designated national or local public corporation deems it particularly necessary in implementing emergency measures pertaining to business under its purview, it may by law or under an appropriate disaster prevention plan, ask for support from the officer of a designated national or local administrative organ, a prefectural governor, or the mayor of a city or town or the head of a village to ensure the availability of labor, establishments, equipment or materials. In such cases, the chief officer of the designated national or local administrative organ, the prefectural governor, or the mayor of the city or town or the head of the village whose support has been requested may not refuse support except for legitimate reasons.

(Serving of requisition orders)

Art. 81. When a prefectural governor, or the mayor of a city or town or the head of a village, or the chief officer of a designated national or local administrative organ wishes to take action under the provisions of art. 71 or art. 72 para. 1, he shall serve a requisition order before taking action.

2. The following matters shall be entered in a requisition order provided under the preceding paragraph:

(1) the name and address of the prospective recipient

(for a corporation, its designation and the address of its main office).

(2) legal provisions justifying such action.

(3) As to orders for work, the kind of activity to be engaged in, its location and duration; for orders of custody, the kind and amount of materials to be held in custody, the place of custody and duration; for administration, employment or requisition of establishments, the location of the establishment etc. to be administered, employed or requisitioned, and the duration of such action.

3. In addition to the provisions of the two preceding paragraphs, the form of requisition orders and other necessary matters concerning them shall be provided by ordinance.

(Compensation for loss, etc.)

Art. 82. When an action provided under art. 64 para. 1 and para. 7 has been taken under the provision of art. 63 para. 2, art. 71, or art. 78 para. 1, the State of a local government concerned shall be responsible for compensation for any normal loss that may result from such action.

2. The governor of a prefecture is required, by standards to be set by ordinance, to compensate for actual costs incurred by persons who have engaged in work under an order for work in emergency measures under art. 71.

(Requirements with respect to entry)

Art. 83. When an official of prefecture, or a city or town, or

a village makes an entry (into a place) under art. 71, or when a member of a designated national or local administrative organ makes an entry under art. 78 para. 2 or 3, the person shall notify the administrator of the place in advance.

2. In such case, the person shall bear a proof of identification, and shall present it at the request of parties concerned.

(Compensation for persons engaged in the work of emergency measures)

Art. 84. When the mayor of a city or town or the head of a village, or a police official or a maritime safety official has, under art. 65 para. 1 or under art. 63 para. 2 as applied to art. 65 para. 2, caused residents of the area of the city, town or village concerned or persons on the scene covered by an emergency measure to work in operations related to emergency measures, and when a person has died, been injured or become ill, or been crippled as a result of the work, the city, town or village shall, by its ordinance and according to standards set by its ordinance, compensate the person, his surviving family, or his dependents, for the loss sustained.

2. When a person who has engaged in the work of emergency measures by order of work under art. 71 has died, been injured, has become sick or disabled as a result, the prefecture shall, by its ordinance and by standards to be set by its ordinance, compensate the person concerned, his surviving family or his dependents for the loss sustained.

(Reduction and exemption of public assessments for disaster victims)

Art. 85. The State may, by other law, allow reduction, exemption or deferment of national taxes and other assessments or take other necessary action for the benefit of disaster victims.

2. A local government may, by other law or by its ordinance, allow disaster victims reduction, exemption or deferment of local taxes or other assessments imposed by local government, or take other necessary action.

(Special cases of loaning government property, etc.)

Art. 86. When the State, deeming it necessary in implementing emergency measures in time of a disaster, lends government property or other articles of government ownership, or allows them to be used, the consideration for the loan of property or the use of articles may, as specified by law, be made free of charge or fixed at a rate lower than the current rate.

2. When a local government, deeming it necessary in implementing emergency measures in time of a disaster, lends property or articles under its ownership, the consideration for the loan of property or the use of articles may, as specified by law, be gratuitous or fixed at a rate lower than the current rate.

Chapter VI

Rehabilitation

(Responsibility for rehabilitation after a disaster)

Art. 87. The chief officer of a designated national or local

administrative organ, the chief officer of a local government, any other executive agency, a designated national or local public corporation, and other parties responsible for the implementation of rehabilitation shall, by ordinance or under an appropriate disaster prevention plan, implement the work of rehabilitation after disaster.

(Fixing of rehabilitation expenses)

Art. 88. With respect to a rehabilitation program whose expenses are met by the Government, in part or in whole, or which is subsidized by the Government, the fixing of the amount which devolves upon the competent Minister shall be done appropriately and expeditiously on the basis of a report from the governor of the prefecture, data presented by other local governments, and results of on-site investigations.

2. In fixing the amount of expenses for a rehabilitation program under the preceding paragraph, the competent Minister shall exercise full care with respect to work pertaining to the creation or renovation of an establishment to be pursued concurrently with said rehabilitation program in the interest of preventing a recurrence of disaster.

(Report to the disaster prevention council)

Art. 89. When the competent Minister has fixed the amount of rehabilitation expenses, or when he has established standards for the implementation of a rehabilitation program, he shall

by ordinance report a summary of his action to the Central Disaster Prevention Council.

(Government's share of expenses, early payment of subsidy, etc.)

Art. 90. When the Government deems it necessary in the interest of an effective implementation of a rehabilitation program undertaken by a local government or its agency, the Government shall make an early delivery of tax transfer, and shall, by ordinance, make an early payment of its share of rehabilitation expenses or its subsidy, or finance required funds or intercede for advancing loans.

Chapter VII
Financial Measures

(Financial responsibilities for disaster prevention, etc.)

Art. 91. Except as otherwise specified by ordinance or when a special action is undertaken within the limits of the budget, expenses for disaster prevention and emergency measures against disaster, and expenses for the implementation of this Law shall be borne by parties responsible for its implementation.

(Financial responsibilities for emergency action when other local governments have cooperated)

Art. 92. Any local government whose chief officer has received support from the chief officer of another local government or its committee or any member of the committee under art. 67 para. 1, art. 68 para. 1, or art. 74 para. 1 (hereinafter referred to as "chief officer of a local government and others") shall be

responsible for the expenses incurred by such support.

2. In case under the preceding paragraph, when the local government whose chief officer has received support is unable to defray the expenses incurred on time, it may ask the chief officer and others of the local government which has rendered support to advance the sum on a reimbursable basis.

(Prefecture assuming expenses for emergency measures taken at the city, town or village level)

Art. 93. Of the expenses, for emergency measures taken or for support rendered, incurred by the mayor of a city or town or the head of a village on instructions from the governor of the prefecture as provided by art. 72 para. 1, the portion which is deemed difficult or inappropriate to assess on the city, town or village under the chief officer who has received instructions for support and the city, town or village under the chief officer who has received the support, shall, by ordinance, be borne, in whole or in part, by the prefecture concerned, exclusive of that part of the expenses which are to be charge against the State.

2. In cases under the preceding paragraph, the prefecture may ask the city, town or village concerned to advance the sum provided in said paragraph on a reimbursable basis.

(Government's share or subsidy toward expenses for emergency measures)

Art. 94. With respect to expenses for emergency measures

pertaining to disaster prevention, the Government may, as specified by law or within the limits of its budget, bear a portion of said expenses or subsidize it.

Art. 95. In addition to the provisions under the preceding article, of the expenses incurred by the chief of a local government in implementing emergency measures on instructions either from the chairman of the headquarters for major disaster control under art. 28 para. 2 or from the chairman of the headquarters for extraordinary disaster control under art. 108 para. 4 to which art. 28 para. 2 has been applied, where and as necessary, any portion which is difficult or inappropriate to assess on that local government and which shall be provided by ordinance may, by ordinance, be subsidized, in whole or in part, by the Government. (Law no. 109, 1962 revised in part)

(Government's share and subsidy for rehabilitation expenses)

Art. 96. With respect to expenses required for rehabilitation programs and other programs undertaken in relation to a disaster, the Government may, as specified by ordinance or within the limits of its budget, bear them, in whole or in part, or subsidize them.

(Sharing of expenses for emergency measures for a disaster of extreme severity and rehabilitation)

Art. 97. In time of a disaster of extreme severity, the Government shall, as specified by law, take action so that

emergency measures and rehabilitation efforts may proceed expeditiously and appropriately, and at the same time, shall, as specified by law, enforce policies in the interest of making equitable the burden of expenses on the local government etc. whose area has sustained the disaster and of arousing enthusiasm for rehabilitation.

Art. 98. With respect to the law described in the preceding article, it should be avoided, insofar as practicable, to enact such a law at the time of each disaster of extreme severity and the law shall be so designed as to rationalize the system concerning assumption of the financial burden by the State consequent upon disaster, and serve efficiently to carry out measures against disasters of extreme severity described in the preceding article.

Art. 99. The law provided under article 97 shall specify the matters listed below:

(1) standards by which special property assistance and auxiliary assistance against a disaster of extreme severity will be lent as a matter of policy.

(2) special financial support by the State to local government in the interest of an appropriate implementation of programs as well as rehabilitation programs as regards a disaster of extreme severity.

(3) special incentives for victims of a disaster of extreme severity.

(Financial measures by the State to deal with disaster damage)

Art. 100. In order to be able to deal with disaster damage without adversely affecting an efficient management of national finances, the Government shall strive to take necessary financial measures.

2. In order to achieve the objectives under the preceding paragraph, the Government shall exercise full care with respect to the appropriation of reserve funds, and action for bearing deficits in the Treasury (as the one under art. 15 para. 2 of the National Finances Law (Law no. 34, 1947)) and other measures.

(Local government disaster funds)

Art. 101. The local government shall, as specified by law, establish a disaster fund to meet emergency expenses for policy measures against disaster.

(Special cases of issuing bonds)

Art. 102. In the cases listed below, the local government may by ordinance issue local bonds as a financial resource exclusively for the year of the occurrence of a disaster as specified by ordinance, the provision of art. 5 of the Local Finances Law (Law no. 109, 1948) notwithstanding:

(1) in cases where there have been reductions and exemptions by a Ministry of Local Autonomy ordinance of local taxes, rents, fees and other collections, to cover a deficit in revenue in the amount considered commensurate with the de-

gree and extent of damage wrought by said disaster.

(2) as a resource to cover that portion falling on the local government in the general account of expenses, as provided by a Ministry of Home Affairs ordinance, for prevention of disasters, emergency measures in time of a disaster, or rehabilitation after the disaster.

2. The Government shall, insofar as its financial situation will allow, accept local bonds provided in the preceding paragraph by a fund of the trust fund bureau or by reserves in the special account for postal life insurance and annuities (hereinafter referred to as "Government Funds")

3. When local bonds provided under para. 1 have been accepted with Government funds, the interest rate, method of redemption and other necessary matters shall be provided by ordinance.

(Measures for rehabilitation programs not subsidized by the State)

Art. 103. The State and the local government may, as specified by law, take special steps to contribute toward resources for expenses of rehabilitation programs, when the portion of expenses for rehabilitation involving a disaster of extreme severity is not met by Government subsidy and the resulting burden on the local government is deemed excessive.

(Loans for disaster)

Art. 104. When a disaster, as provided by ordinance, has

occurred, banking facilities related to the Government and other banking facilities designated by ordinance shall provide special loans in connection with the disaster, and shall endeavor to extend the term of redemption or the period of deferment, convert old loans to new ones, and where necessary, lower interest rates and take other measures pertinent to the circumstances.

Chapter VIII

State of Emergency

(Declarttion of a state of emergency)

Art. 105. In time of an extraordinary disaster whose repercussions on the national economy and public welfare are serious and farreaching, the Prime Minister may, when he deems it particularly necessary in the interest of enforcing emergency measures, declare a state of emergency involving the whole or part of the affected area, upon referring the matter to a Cabinet Conference.

2. Such a declaration provided under the preceding paragraph shall specify the area concerned, give a brief account of the situation warranting such action, and set the date and time when the declaration takes effect.

(Parliamentary concurrence and repeal of a declaration of a state of emergency)

Art. 106. When a state of emergency has been declared under the provisions of the preceding article, the Prime Minister

shall put the matter before the Diet for its consent not later than twenty days from the date of declaration. However, when the Diet is in adjournment or the House of Representatives has been dissolved, he shall seek parliamentary consent at the earliest session of the Diet thereafter.

2. When there has been a resolution to refuse consent as provided under the preceding paragraph, or when the Diet has voted to repeal the declaration of a state of emergency, or when there is no longer the necessity for the declaration, the Prime Minister shall promptly revoke said declaration.

(Headquarters for extraordinary disaster countermeasures)

Art. 107. When there has been declared a state of emergency under art. 105, the Prime Minister shall, upon consultation with the Cabinet, establish a temporary headquarters for extraordinary disaster countermeasures in the Prime Minister's Office, the provision of art. 8 of the National Government Organization Law notwithstanding. The area under the jurisdiction of said headquarters shall be the area covered by the declaration of a state of emergency.

2. If there is already in operation a headquarters for major disaster countermeasures when the headquarters for extraordinary disaster control has been established under the proceding paragraph, the former shall (automatically) be abolished and its business shall be taken over by the latter.

3. The headquarters for extraordinary disaster countermeasures shall be abolished with the revocation of the declaration of a state of emergency provided under art. 108.

Art. 108. The headquarters for extraordinary disaster countermeasures shall be headed by a chairman, who shall be the Prime Minister.

2. The headquarters for extraordinary disaster countermeasures shall have a vice-chairman, members and other personnel.

3. A Cabinet Minister shall be appointed as vice-chairman.

4. In addition to what is provided under the three preceding paragraphs, the provisions of art. 25 paras. 2, 4 and 5 (exclusive of the portion pertaining to the vice-chairman of the headquarters for major disaster countermeasures, arts. 26, 27 and 28 shall, where and as necessary, apply to the organization and business of the headquarters for extraordinary disaster countermeasures, the authority of the chief officer of a designated administrative organ vis-a-vis members of said headquarters, and the authority of the chairman of said headquarters. In this case, "in time of a major disaster" in art. 26 (2) shall be change to read "in a situation of emergency as a result of disaster"; "art. 28" in art. 26 (3) shall be "art. 28 applied where and as necessary to art. 108 para. 4".

5. The chairman of the headquarters for extraordinary

disaster countermeasures may delegate to the vice-chairman of said headquarters the authority, in whole or in part, under art. 28 applied as appropriate to the preceding paragraph.

6. When the chairman of the headquarters for extraordinary disaster countermeasures has made such delegation under hhe preceding paragraph, he shall make public this action.

(Emergency measures)

Art. 109. In case of an urgent need to preserve the economic order of the nation and to ensure the public welfare when confronted with a situation of emergency as a result of disaster and when the Diet is in adjournment or the House of Representatives has been dissolved, and further, when the situation does not allow time to call the Diet in session or request an emergency session of the House of Councillors for action, the Cabinet may enact an ordinance in order to take necessary steps on the matters listed below:

(1) rationing of materials of daily necessity in critical shortage; restriction or ban on their transfer or delivery.

(2) fixing a ceiling on prices of commodities, consideration for labor, fees for services in the interest of emergency measures, rehabilitation and a stable life for the citizens.

(3) deferment of monetary debts (exclusive of wages, compensation payments for disaster damage, payment of monetary debts involving labor relations, withdrawals from accounts in banks or backing facilities for such payment); extension of the duration of a creditor's rights.

2. An ordinance enacted under the preceding paragraph may provide that any person in violation of any provision of said ordinance shall be liable to imprisonment at hard labor for not more than two years or imprisonment of the same length without hard labor, or a fine of not more than one hundred thousand yen, detention, a police fine, or confiscation, or a combination of any two penalties; that when a representative of a corporation or individual, or any agent or other employee either of the corporation or the individual has acted in violation of any provision of said ordinance with respect to the business of the corporation or the individual, the representative, agent or other employee shall be punished, and in addition, a fine, a minor fine, or confiscation prescribed in this paragraph shall be imposed also on the corporation and the individual; and that where confiscation of goods cannot be enforced either in whole or in part, the monetary value of such items shall be additionally collected.

3. When an ordinance enacted under paragraph 1 is no longer required, the Cabinet shall immediately revoke it.

4. The Cabinet shall, upon enactment of an ordinance under paragraph 1, decide on the convocation of the Diet in extraordinary session or to seek an emergency session of the House of Councillors; it shall further take steps to enact a law to replace said ordinance of such measures as taken under that ordinance are to be continued, and for other cases, it shall seek consent to the ordinance enacted.

5. Any ordinance enacted under paragraph 1, unless it has already been repealed or has expired, shall lapse, either with the implementation of a law which may have been enacted at an extraordinary session of the Diet or at an emergency session of the House of Councillors to replace that ordinance, or with a decision which may have been taken at either session not to enact such a law to replace said ordinance.

6. In addition to cases described in the preceding paragraph, an ordinance enacted under paragraph 1 shall, unless already repealed or unless it has expired, become null and void twenty days from the date of opening of an extraordinary session of the Diet or of the termination of the extraordinary session, whichever is earlier, or ten days from the date of opening of an emergency session of the House of Councillors or of the termination of the emergency session, whichever is earlier.

7. When an ordinance has become null and void under the two preceding paragraphs, the Cabinet is required to make public this fact.

8. If penalties are provided for in an ordinance enacted under paragraph 1, application of penalties to acts committed while the ordinance remained in effect shall continue even after the ordinance has been repealed, or its effective period has ended or it has lost its effect under either paragraph 5 or paragraph 6.

Chapter IX

Miscellaneous

(Application of this Law to a special ward)

Art. 110. For purposes of application of this Law, a special ward shall be considered to be a city. However, any business related to disaster prevention as provided by ordinance shall be conducted by the Metropolitan Government.

(Law no. 109, 1962; old art. 113 updated)

(Distinguished service awards in disaster prevention)

Art. 111. The competent Minister may, as decided by an ordinance of an appropriate Ministry, award a person who has been recognized as having distinguished himself by his services in the work of disaster prevention.

(Matters for an ordinance)

Art. 112. In addition to what is specified in this Law, procedures for the implementation of this Law or other necessary matters shall be provided by ordinance.

Chapter X

Penal Provisions

(Penal provisions)

Art. 113. Any person falling under either one of the items below shall be liable to imprisonment at hard labor for not more than six months or a fine of not more than fifty thousand yen:

(1) any person who has failed to comply with an order for work, an order of cooperation or of custody issued by the governor of a prefecture (including the mayor of a city or town or the head of a village to whom authority has been delegated under art. 71 para. 2) under the provision of art. 71 para. 1.

(2) any person who has failed to comply with an order of custody issued by the chief officer of a designated national or local administrative organ (including an official to whom authority has been delegated under art. 27 para. 1 also as it applies, where and as necessary, to art. 108 para. 4) under the provision of art. 78 para. 1.

Art. 114. A driver of a vehicle who has failed to comply with a restriction or ban placed by a prefectural public safety commission under the provisions of art. 76 shall be liable to imprisonment at hard labor for not more than three months or a fine of not more than thirty thousand yen.

Art. 115. Any person falling under either of the following items shall be liable to a fine of not more than thirty thousand yen

(1) any person who has refused, hindered or avoided an entry and inspection under art. 71 para. 1 (including cases where there was delegation of authority under para. 2 of said article; to be applicable hereunder in this article), art. 78 para. 2 (including cases of delegated authority under art. 27 para. 1 - also cases where the same paragraph is applied, as appropriate, to art. 108 para. 4), or art. 78 para. 3 (including cases of delegated authority under art. 27 para. 1 - also as applied to art. 108 para. 4 - to be applicable hereunder in this article).

(2) any person who has failed to make a report or has made a false report under the provision of art. 71 para. 1 or art. 78 para. 3.

Art. 116. Any person who falls under either of the two items below shall be liable to a fine of not more than ten thousand yen or detention:

(1) any person who has employed signals related to disaster prevention as provided by an ordinance of the Office of the Prime Minister under art. 52 para. 1 for other than legitimate purposes, or has employed similar signals.

(2) any person who has failed to comply with a ban, restriction or order for departure enforced by the mayor of a

city or town or the head of a village under art. 63 para. 1 (including a prefectural governor acting on behalf of the mayor of a city or town or the head of a village under art. 73 para. 1), or by the police or maritime safety officials under art. 63 para. 2.

Art. 117. When a representative of a corporation or individual, or any agent or other employee either of the corporation or the individual has acted in violation of any provision of article 113 or 115 as regards the business of the corporation or individual, the representative, agent or other employee shall be punished, and in addition, the corporation and the individual shall be liable to a fine under this article.

Supplementary Rule

This Law shall be implemented on a date to be fixed by ordinance, within a year from the day of its promulgation. (Implemented on July 10, 1962, by ordinance no. 287, 1962)

DESIGNATED ADMINISTRATIVE ORGANS DESIGNATED BY THE PRIME MINISTER AS PROVIDED UNDER ARTICLE 2 (3) OF THE DISASTER COUNTERMEASURES BASIC LAW

(Notice of the office of the Prime Minister no. 19, July 11, 1962)

Designated administrative organs designated by the Prime Minister under the provision of art. 2 (3) of the Disaster Countermeasures Basic Law (Law no. 223, 1961) shall be as follows:

The Prime Minister's Office, National Public Safety Commission, National Police Agency, National Capital Region Development Commission, Hokkaido Development Agency, Defense Agency, Economic Planning Agency, Science and Technology Agency, Okinawa Development Agency, Ministry of Justice, Ministry of Finance, Ministry of Agriculture and Forestry, Ministry of Education, Agency for Cultural Affairs, Ministry of Health and Welfare, Ministry of International Trade and Industry, Small and Medium Enterprises Agency, Ministry of Transport, Maritime Safety Board, Meteorological Agency, Ministry of Postals and Telecommunications, Ministry of Labor, Ministry of Construction, Ministry of Home Affairs, Fire Defense Agency.

DESIGNATED LOCAL ADMINISTRATIVE ORGANS DESIGNATED BY THE PRIME MINISTER UNDER THE PROVISION OF ARTICLE 2 (4) OF THE DISASTER COUNTERMEASURES BASIC LAW

(Notice of the office of the Prime Minister no. 25, August 6, 1962)

Designated local administrative organs designated by the Prime Minister under the provision of art. 4 (2) of the Disaster Countermeasures Basic Law (Law no. 223, 1961) shall be as follows:

District Police Bureau, Hokkaido Development Bureau, Mito Atomic Energy Office, Okinawa General Bureau, Regional Finance Bureaus, Regional Medical Affairs Bureaus, Regional Agricultural Administration Bureaus, Local Food Agency Offices, Regional Forestry Offices, Regional Bureaus of International Trade and Industry, Regional Mine Safety and Inspection Bureaus, Regional Mine Safety and Inspection Offices, Naha Mine Safety and Inspection Office, Shipping Bureau, District Port Construction Bureaus, District Land Transport Bureaus, Regional Civil Aviation Bureaus, Regional Maritime Safety Headquarters, District Meteorological Observatories, Okinawa Meteorological Observatory, Regional Postal Bureaus, Local Radio Regulatory Bureaus, Okinawa Postal Inspection Office, Prefectural Labor Standards Offices, Regional Construction Bureaus.

DESIGNATED PUBLIC CORPORATIONS DESIGNATED BY THE PRIME MINISTER UNDER THE PROVISION OF ARTICLE 2 (5) OF THE DISASTER COUNTERMEASURES BASIC LAW (Notice of the office of the Prime Minister No. 26, August 6, 1962)

Designated public corporations designated by the Prime Minister under the provision of art. 2 (5) shall be as follows:

Japan Tobacco Company, Japanese National Railways, Nippon Telegraph and Telephone Public Corporation, Bank of Japan, Japan Red Cross Society, Japan Broadcasting Corporation, Japan Highway Public Corporation, Water Resources Development Public Corporation, Japan Atomic Energy Research Institute, Electric Power Development Company, Japan Express Transportation Company, Hokkaido Electric Power Company, Tohoku Electric Power Company, Tokyo Electric Power Company, Hokuriku Electric Power Company, Chubu Electric Power Company, Kansai Electric Power Company, Chugoku Electric Power Company, Shikoku Electric Power Company, Kyushu Electric Power Company.

METEOROLOGICAL SERVICE LAW

(Law No. 165, 2 June 1952)

As amended by:

Law No. 251, 31 July 1952
Law No. 278, 31 July 1953
Law No. 61, 11 July 1955
Law No. 144, 11 June 1956
Law No. 140, 16 May 1962

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CHAPTER I

GENERAL PROVISIONS

(Purpose)
Article 1 The purpose of this Law is to ensure sound development of the national meteorological service through establishing a foundamental system of the service, and thereby to contribute to the improvement of public welfare, by promoting the prevention of disasters, maintenance of safety of transportation, prosperity of industries, etc., and, at the same time, to cooperate in world meteorological services.

(Definitions)
Article 2 In this Law, "meteorological phenomena" shall mean phenomena of the atmosphere (the ionosphere excluded).

2 In this Law, "terrestrial phenomena" shall mean seismological and volcanological phenomena, and those phenomena on and under earth which are in close relation to meteorological phenomena.

3 In this Law, "hydrological phenomena" shall mean those limnological and oceanographical phenomena which are in close relation to meteorological or seismological ones.

4 In this Law, "meteorological services" shall mean the following services:

(1) The observation of meteorological, terrestrial and hydrological phenomena and earth's movements together with the collection and announcement of the results thereof;

(2) The forecasting and warning of meteorological, terrestrial (excluding seismological and volcanological) and hydrological phenomena;

(3) The collection and announcement of information on meteorological, terrestrial and hydrological phenomena;

(4) The continuous observation of terrestrial magnetism and electricity together with the collection and announcement of the results thereof;

(5) The preparation of statistics and investigations on matters mentioned in the above items together with the announcement of the results of the statistics and investigations;

(6) Studies necessary for the services mentioned in the above items;

(7) Incidental businesses necessary for the services mentioned in the above items.

5 In this Law, "observation" shall mean observation and measurement of phenomena by methods of natural science.

6 In this Law, "forecast" shall mean an announcement of the forecast of phenomena based on results of observation.

7 In this Law, "warning" shall mean a forecast to be made giving an alarm that some grave disasters may occur.

8 In this Law, "meteorological instruments" shall mean instruments, machines and devices which are to be used for the observation of meteorological, terrestrial and hydrological phenomena.

(Duty of Director-General of Japan Meteorological Agency)
Article 3 To achieve the purposes mentioned in Article 1, the Director-General of the Japan Meteorological Agency shall endeavor:

(1) To establish and maintain meteorological and seismological observation networks;

(2) To establish and maintain centralized systems for the forecasting and warning of meteorological phenomena, tsunami and high tides;

(3) To establish and maintain systems for exchanging quickly information relating to observations, forecasts and warnings of meteorological phenomena;

(4) To establish and maintain systems for exchanging quickly results of seismological observations;

(5) To standardize the methods for meteorological observations and announcement of results thereof;

(6) To promote the application of results of meteorological observation, forecasts and warnings of meteorological phenomena and results of investigation and study on meteorology to industry, transportation and other social activities.

CHAPTER II

OBSERVATION

(Methods of Observation taken by the Japan Meteorological Agency)
Article 4 The Japan Meteorological Agency shall conform to the procedures as provided for by the Cabinet Order, in case it takes observations

of meteorological and terrestrial phenomena, earth's movement, terrestrial magnetism, electricity and hydrological phenomena.

(Entrusting of Observations, etc.)
Article 5 The Director-General of the Japan Meteorological Agency may, if he deems it necessary, entrust the observation of meteorological and terrestrial phenomena, earth's movement and hydrological phenomena or the supply of information thereupon to government agencies (including public enterprises; hereinafter the same shall apply), local public bodies, commercial firms and other organizations or individuals.

(Meteorological Observations taken by Agencies other than the Japan Meteorological Agency)
Article 6 Any government agency or local public body shall conform to the technical standards established by the Cabinet Order, in case it takes meteorological observations. However, this shall not apply to the case where it takes the following meteorological observations:

(1) Meteorological observations for research purposes;

(2) Meteorological observations for educational purposes;

(3) Meteorological observations as provided for by the Cabinet Order.

2 In case any one other than government agencies and local public bodies takes the following meteorological observations, it shall conform to the technical standards under the preceding paragraph. However, this shall not apply to the case where the meteorological observations as provided for by the Cabinet Order are taken.

(1) Meteorological observations the results of which are to be announced;

(2) Meteorological observations the results of which are to be utilized for disaster prevention;

(3) Meteorological observations the results of which are to be utilized for the operation of the electric works as prescribed in Article 2, item (1) of the Public Utilities Order (Cabinet Order No. 343 of 1950).

3 In case any one who must take meteorological observations in conformity to the technical standards as provided for in the preceding two paragraphs has established facilities therefor, he shall report to that effect to the Director-General of the Japan Meteorological Agency in accordance with the Ministry of Transportation Ordinance. This shall also apply to the case where the facilities have been abolished.

4 The Director-General of the Japan Meteorological Agency may ask the persons, who have submitted a report in accordance with the provisions of the first part of the preceding paragraph, to report to him the results

of the meteorological observations, when he deems it necessary for establishing an observation network for meteorological phenomena.

Article 7 Any ship which is required to be equipped with radiotelegraphic facilities in accordance with the provisions of Article 4 of the Ships Safety Law (Law No. 11 of 1933) and is designated by the Cabinet Order shall be equipped with meteorological instruments in accordance with the provisions of the Ministry of Transportation Ordinance.

2 The ship referred to in the preceding paragraph shall, when she sails in the areas proscribed by the provisions of the Ministry of Transportation Ordinance, carry out observations of meteorological and hydrological phenomena in compliance with the technical standards referred to in paragraph 1 of the preceding Article and report the results to the Director-General of the Japan Meteorological Agency in accordance with the provisions of the Ministry of Transportation Ordinance.

Article 8 In case any aircraft which has been furnished with a flight forecast chart as prescribed by the provisions of Article 16 makes a flight, the said aircraft shall, during the flight, report the meteorological conditions to the Director-General of the Japan Meteorological Agency in accordance with the provisions of the Ministry of Transportation Ordinance.

2 The Aircraft referred to in the preceding paragraph shall, upon ending its flight, report the meteorological conditions of the areas where it has flown to the Director-General of the Japan Meteorological Agency in accordance with the provisions of the Ministry of Transportation Ordinance.

(Meteorological Instruments used for Observation)
Article 9 Any of the meteorological instruments referred to in the items of Article 27, which either is used in the meteorological observation to be taken in conformity with the technical standards as prescribed by the provisions of Article 6 paragraph 1 or 2, or is installed in a ship in accordance with the provisions of Article 7 paragraph 1, or is used by a person who has been authorized by the provisions of Article 17 paragraph 1 for the purpose of observation for the forecasting service referred to in the same paragraph, shall not be used unless it has passed the calibration referred to in the same Article 27 or the calibration mentioned in chapter 4 section 2 of the Measurement Law (Law No. 207 of 1951) (confined to the test to be taken by one other than the government agencies, local public bodies, companies of electric service under the Public Utilities Order and ships prescribed in Article 7 paragraph 1). However, this shall not apply to the meteorological instruments which are of special kind or construction and are prescribed by the provisions of the Cabinet Order.

(Guidance for Methods of Observing Operation)
Article 10 The Director-General of the Japan Meteorological Agency may give instruction in the methods of observing operation, to persons who operate meteorological observations which must be taken in conformity with the technical standards in accordance with the provisions of Article 6 paragraph 1 or 2 or to persons who are engaged in meteorological observations

on the ship referred to in Article 7 paragraph 1, or on the aircraft referred to in Article 8 paragraph 1.

(Announcement of Observational Results etc.)
Article 11 The Japan Meteorological Agency shall, if it deems that an immediate announcement of the observational results of meteorological and terrestrial phenomena, earth's movement, terrestrial magnetism, terrestrial electricity and hydrological phenomena and information concerning meteorological, terrestrial and hydrological phenomena, is to promote public benefits, endeavour to announce them immediately, and make them well-known to the public, requesting the assistance of information facilities such as radio broadcasting stations, newspaper offices, news agencies, etc. (hereinafter referred to as "information facilities").

(Defrayment of Expenses, etc.)
Article 12 The Director-General of the Japan Meteorological Agency may make defrayment of expenses to persons who give reports in accordance with the provisions of Article 6 paragraph 4, Article 7 paragraph 2 or Article 8, within the limits of the budget as provided for by the Cabinet Order.

2 The Director-General of the Japan Meteorological Agency may, if he deems it necessary, lend meteorological instruments and other apparatuses and instruments as provided for by the Cabinet Order to persons who give reports in accordance with the provisions of Article 6 paragraph 4 or to the ship referred to in Article 7 paragraph 1.

CHAPTER III

FORECASTS AND WARNINGS

(Forecasts and Warnings)
Article 13 The Japan Meteorological Agency shall, in accordance with the provisions of the Cabinet Order, announce forecasts and warnings of meteorological phenomena, terrestrial phenomena (except seismological and volcanological phenomena; hereinafter, the same shall apply in this Chapter), tsunami, high tides, sea waves and floods, such as may suit general utilization.

2 The Japan Meteorological Agency may, in accordance with the provisions of the Cabinet Order, announce forecasts and warnings of hydrological phenomena other than tsunami, high tides, sea waves and floods, such as may suit general utilization, besides the forecasts and warnings mentioned in the preceding paragraph.

3 In case the Japan Meteorological Agency makes an announcement of the forecast and warning under the preceding two paragraphs, it shall endeavour to make the items of the forecast and warning well-known to the public, not only taking steps of its own but requesting the assistance of information facilities.

Article 14 The Japan Meteorological Agency shall, in accordance with the provisions of the Cabinet Order, announce forecasts and warnings of meteorological phenomena, terrestrial phenomena, tsunami, high tides and sea waves, such as may suit the utilization by aircrafts and ships.

2 The Japan Meteorological Agency may announce forecasts and warnings of meteorological, terrestrial and hydrological phenomena, such as may suit the utilization in railway, electric power, and other special services.

3 The provisions of paragraph 3 of the preceding Article shall apply mutatis mutandis to the case where the forecasts and warnings under paragraph 1 are announced.

Article 14B The Japan Meteorological Agency shall, in accordance with the provisions of the Cabinet Order, announce forecasts and warnings of meteorological phenomena, high tides and floods, such as may be suitably utilized for anti-flood activities.

2 The Japan Meteorological Agency shall, in cooperation with the Minister of Construction, announce, with respect to the rivers prescribed in Chapter 10 Section 3 of the Flood Defence Law (Law No. 193 of 1949), forecasts and warnings of floods together with possible water-level or flow, such as may be suitably utilized for anti-flood activities.

3 The provision of Article 13 paragraph 3 shall apply mutatis mutandis to the case of the forecasts and warnings of the preceding two paragraphs. In this case the provision shall read "In case the Japan Meteorological Agency, or the Japan Meteorological Agency and the Minister of Construction, make an announcement of the forecasts and warnings respectively under paragraph 1 or paragraph 2 of Article 14B" instead of "In case the Japan Meteorological Agency makes an announcement of the forecasts and warnings under the preceding two paragraphs."

4 The provisions of Article 17 and Article 23 shall not apply to the Minister of Construction in the case where the Japan Meteorological Agency in cooperation with the Minister of Construction announces the forecasts and warnings under paragraph 2.

Article 15 In case the Japan Meteorological Agency has announced warnings of meteorological phenomena, tsunami, high tides, sea waves and floods in accordance with the provisions of Article 13 paragraph 1, Article 14 paragraph 1, or paragraph 1 or 2 of the preceding Article, it shall, in accordance with the provisions of the Cabinet Order, immediately communicate the warning items to the organizations under the Nippon Telegraph and Telephone Public Corporation, National Police Agency, Maritime Safety Agency, Ministry of Transportation, Japan Broadcasting Corporation, Ministry of Construction, or prefectures. This shall also apply to the case where the necessity therefor has ceased to exist.

2 Any organization under the Nippon Telegraph and Telephone Public Corporation, National Police Agency and prefectures which has

received the information mentioned in the preceding paragraph shall endeavour to communicate immediately the informed items to the mayors of the cities, towns or villages concerned.

3 The mayor of a city, town or village who has received the information under the preceding paragraph shall endeavour to make the informed items well-known immediately to the public and governmental and public offices located in the said city, town or village.

4 Any organization under the Maritime Safety Agency which has received the information under paragraph 1 shall endeavour to make the informed items well-known immediately to ships at sea and in port.

5 Any organization under the Ministry of Transportation which has received the information under paragraph 1 shall endeavour to make the informed items well-known immediately to aircrafts in flight.

6 Any organization under the Japan Broadcasting Corporation which has received the information under paragraph 1 shall immediately broadcast the informed items.

(Delivery of Flight Forecast Charts)
Article 16 The Japan Meteorological Agency shall deliver flight forecast charts bearing forecasts of meteorological, terrestrial and hydrological phenomena to the aircraft provided for by the Ministry of Transportation Ordinance before its flight.

(Authorization of Forecasting Service)
Article 17 In case any one other than the Japan Meteorological Agency intends to undertake a service of forecasting meteorological and terrestrial phenomena, tsunami, high tides, sea waves or floods (hereinafter, referred to as "forecasting service") he shall obtain permission of the Director-General of the Japan Meteorological Agency.

2 The permission under the preceding paragraph shall be given fixing the purpose and scope of the forecasting service.

(Standard for Permission)
Article 18 In case the Director-General of the Japan Meteorological Agency has received an application for the permission under paragraph 1 of the preceding Article, he shall examine it in accordance with the following standards:

(1) To have facilities and staff for collecting and analyzing such data for forecast as observations and so on, sufficient enough to carry out the proposed forecasting service properly and accurately;

(2) To have facilities and staff sufficient to receive speedily the warnings from the Japan Meteorological Agency suitable to the purpose and scope of the proposed forecasting service.

2 In case the Director-General of the Japan Meteorological Agency

deems that the application is in conformity with the standards under the preceding paragraph after making examinations in accordance with the provisions of the same paragraph, he shall give permission to the said application except in the following cases:

(1) In case the person who intends to receive permission is a person to whom permission was rescinded and two years have not yet elapsed since the day of the rescission;

(2) In case the person who intends to receive permission is a juridical person, and any officer of the said juridical person comes under the provisions of the preceding paragraph.

(Authorization for Change)
Article 19 In case any one who was granted permission in accordance with the provisions of Article 17 paragraph 1 intends to change the purpose or scope of the forecasting service mentioned in paragraph 2 of the same Article, he shall obtain authorization of the Director-General of the Japan Meteorological Agency.

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

(Transmission of Warning Items)
Article 20 Any one who has received permission in accordance with the provisions of Article 17 shall endeavour to transmit quickly the warning items of the Japan Meteorological Agency suitable to the purpose and scope of the said forecasting service to the utilizers of the said forecasting service.

(Rescission of Permission, etc.)
Article 21 In case any one who was granted permission in accordance with the provisions of Article 17 comes under any of the following items, the Director-General of the Japan Meteorological Agency may order the suspension of the service fixing the term or rescind the permission. However, with respect to the case under item (2), this shall apply only to the case where one who was granted permission was ordered by the Director-General of the Japan Meteorological Agency to take steps for his facilities and staff within a fixed term so as to conform to the provision of item (1) or (2) of Article 18 paragraph 1 and has failed to comply with the said order within the said term.

(1) When he has violated this Law or the dispositions based thereupon;

(2) When he has ceased to come under the provision of item (1) or (2) of Article 18 paragraph 1.

(Suspension or Rescission of Forecasting Service)
Article 22 In case any one who was granted permission in accordance with the provisions of Article 17 has suspended or abolished his forecasting service, he shall immediately report to that effect to the Director-General

of the Japan Meteorological Agency.

(Restriction on Warning)
Article 23 No one other than the Japan Meteorological Agency shall give warnings of meteorological phenomena, tsunami, high tides, sea waves and floods. However, this shall not apply to the case as provided for by the Cabinet Order.

(Signals of Forecasts and Warnings)
Article 24 Any one who announces or communicates forecast items or warning items of meteorological and terrestrial phenomena, tsunami, high tides, sea waves or floods by means of signals with shapes, colors, lights or sounds shall conform to the procedures as provided for by the Ministry of Transportation Ordinance.

2 In case any one other than the Japan Meteorological Agency has established facilities for informing ships by signals of warning notices of the force and direction of a stormy wind (hereinafter referred to as "storm signal facilities"), he shall report to that effect to the Director-General of the Japan Meteorological Agency as soon as possible. Similarly for the case where the facilities have been abolished.

3 In case the Director-General of the Japan Meteorological Agency has received the report under the preceding paragraph, he shall give a notification to that effect immediately.

4 In case any one other than the Japan Meteorological Agency communicates warning notices of the force or direction of a stormy wind by storm signal facilities, he shall do so in conformity with the instruction of the Japan Meteorological Agency.

CHAPTER IV

ANNOUNCEMENT OF DATA THROUGH RADIO BROADCASTS

(Announcement of Data through Radio Broadcasts)
Article 25 The Japan Meteorological Agency shall, as provided for by the Ministry of Transportation Ordinance, announce the data prepared by consolidating the following items through radio broadcasts intended to be received by internal and foreign organizations operating weather services, ships or aircrafts:

(1) Results of observation of meteorological, terrestrial and hydrological phenomena both in and outside the country;

(2) Forecast and warning items of meteorological, terrestrial (except seismological and volcanological) and hydrological phenomena both in and outside the country;

(3) Information on meteorological, terrestrial and hydro-

logical phenomena both in and outside the country, other than the matters mentioned in the preceding two items.

Article 26 Any one other than the Japan Meteorological Agency who intends to operate a service of announcing the results of meteorological observations taken by him through radio broadcasts intended to be received by internal or foreign organizations operating weather services, ships or aircrafts, shall obtain permission of the Director-General of the Japan Meteorological Agency. However, this shall not apply to the case where a ship or aircraft operates the said service.

2 The provisions of Article 18 (except item (2) of paragraph 1), Article 21 and Article 22 shall apply mutatis mutandis to the case under the preceding paragraph.

CHAPTER V

CALIBRATION

(Calibration)
Article 27 The Director-General of the Japan Meteorological Agency shall calibrate the following meteorological instruments as provided for in this Chapter.

(1) Thermometer
(2) Barometer
(3) Hygrometer
(4) Anemometer
(5) Pyrheliometer
(6) Hydrometer
(7) Sea water burette
(8) Sea water pipette
(9) Rain gauge
(10) Snow gauge

(Standards of Eligibility)
Article 28 In case an application for calibration of a meteorological instrument has been submitted, the Director-General of the Japan Meteorological Agency shall inspect the meteorological instrument as to whether it conforms to the following items or not, and when its conformity is recognized, he shall certify that it has passed the verification of eligibility.

(1) To belong to one of the kinds as fixed by the Cabinet Order;

(2) To have the structure (including the quality of materials) as fixed by the Ministry of Transportation Ordinance;

(3) The instrumental error does not exceed the calibration error as fixed by the Ministry of Transportation Ordinance.

2 In case the Director-General of the Japan Meteorological Agency makes the inspection under the preceding paragraph on a meteorological instrument whose form has obtained type certification mentioned in Article 32 paragraph 1, he may omit the inspection whether the instrument conforms to items (1) and (2) of the preceding paragraph or not.

(Seal of Verification and Certificate of Calibration)
Article 29 The seal of verification as provided for by the Ministry of Transportation Ordinance, shall be affixed to the meteorological instrument which has passed the verification. However, this shall not apply to a meteorological instrument, to which the affixing of the seal of verification is difficult owing to its structure and which is fixed by the Ministry of Transportation Ordinance.

2 In case a meteorological instrument has passed the verification of eligibility, the Director-General of the Japan Meteorological Agency shall deliver a certificate of calibration to the applicant for calibration.

(Information of Reason for Failure)
Article 30 In case the Director-General of the Japan Meteorological Agency has made the disposition that a meteorological instrument has failed to pass the calibration, he shall inform the applicant for calibration of the reason for the failure.

(Duration of Validity of Verification)
Article 31 The duration of the validity of the verification of eligibility of a meteorological instrument shall be five years. However, the duration for the meteorological instruments as fixed by the Cabinet Order shall be as provided for by that Order.

(Type Certification)
Article 32 The Director-General of the Japan Meteorological Agency shall, in response to an application, make type certification on the types of meteorological instruments fixed by the Ministry of Transportation Ordinance.

2 In case the Director-General of the Japan Meteorological Agency has received the application under the preceding paragraph, he shall inspect whether the meteorological instrument for which the said application has been made conforms to items (1) and (2) of Article 28 paragraph 1 or not, and shall make the type certification under the preceding paragraph when its conformity is recognized.

3 The type certification shall be made by the delivery of a type certificate to the applicant.

(Fee)
Article 33 An applicant for the calibration under Article 27 or for the type certification under the preceding Article shall pay a fee fixed by the Cabinet Order within a limit not exceeding ¥ 5,000 for calibration and not exceeding ¥ 100,000 for type certification.

(Details of Operation)

Article 34 The design of the seal of verification, the forms of the certificate of calibration and type certificate, and the details concerning the reissuance, calibration and type certification, shall be fixed by the Ministry of Transportation Ordinance.

CHAPTER VI

METEOROLOGICAL COUNCIL

(Establishment and Competence)
Article 34B The Meteorological Council (hereinafter referred to as "Council") shall be established in the Japan Meteorological Agency.

2 On receiving inquiries from the Director-General of the Japan Meteorological Agency, the Council shall investigate and deliberate items listed under Article 3 and other important items related to meteorological service, and make propositions deemed necessary in connection with these items to administrative organizations concerned.

(Composition)
Article 34C The Council shall be composed of members not exceeding 30 in number.

2 Specialists may be set up in the Council when necessary for investigation of special problems.

3 The members and the specialists of the Council shall be designated by the Director-General of the Japan Meteorological Agency from among men of learning and experience and members of administrative organizations concerned.

4 The term of office of the members of the Council designated from among men of learning and experience shall be two years.

5 The service of the members and specialists of the Council shall not be a regular one.

(Chairman)
Article 34D The Council shall have a chairman elected from among the members by mutual vote.

2 The chairman shall exercise general control over the business of the Council.

3 In case circumstances prevent the chairman from exercising his function, a member previously nominated by the chairman shall act as proxy for him.

(Committee)
Article 34E Committees may be set up in the Council in accordance with its

regulations.

2 The members and specialists to belong to a committee shall be nominated by the chairman.

(Entrusting to the Ministry Ordinance)
Article 34F Any item not provided for in this Law but deemed necessary for the Council shall be prescribed by the Ministry of Transportation Ordinance.

CHAPTER VII

MISCELLANEOUS REGULATIONS

(Weather Certification, etc.)
Article 35 The Japan Meteorological Agency shall make certification and judgment on facts of meteorological, terrestrial and hydrological phenomena in compliance with any person's request.

2 Any person who intends to receive the certification or judgment under the preceding paragraph shall pay a fee in accordance with the Cabinet Order

(Issue of Publications, etc.)
Article 36 The Japan Meteorological Agency shall make public the results and statistics of the observation, investigation and research on meteorological and terrestrial phenomena, earth's movement, terrestrial magnetism, terrestrial electricity and hydrological phenomena for the utilization of the general public through the issue of publications and other means besides those as provided for in Article 11.

(Preservation of Meteorological Instruments, etc.)
Article 37 No one shall, except for justifiable reasons, impair or displace the meteorological instruments which have been installed outdoors by the Japan Meteorological Agency or by any one who must make meteorological observation in accordance with the technical standards under Article 6 paragraph 1 or 2, or warning-signals for meteorological and terrestrial (except seismological and volcanological) phenomena, tsunami, high tides, sea waves or floods, or do anything injurious to the utility of these meteorological instruments or signals.

(Entrance into Land or Water Confines)
Article 38 The Director-General of the Japan Meteorological Agency may, whenever necessary for the observation of meteorological or terrestrial phenomena, earth's movement, terrestrial magnetism, terrestrial electricity or hydrological phenomena, cause any of the members engaged in the observation to enter land or water confines possessed, occupied or exclusively used by the State, any local public body or individual.

2 In case the Director-General of the Japan Meteorological Agency causes any member to enter the residence lot, or land or water confines

bounded with hedges or fences, in accordance with the provisions of the preceding paragraph, a notice to that effect shall be given in advance to the said possessor, occupant or exclusive user. However, this shall not apply to the case where it is difficult to give the notice to the said person in advance.

(Removal of Obstacles, etc.)
Article 39. The Director-General of the Japan Meteorological Agency may, whenever absolutely necessary for the observation of meteorological or terrestrial phenomena, earth's movement, terrestrial magnetism, terrestrial electricity or hydrological phenomena, cause any of the members engaged in the observation to remove plants, hedges, fences, etc. obstructive to the observation, obtaining the consent of the possessor or occupant thereof in advance.

2 In case the observation of meteorological or terrestrial phenomena, earth's movement, terrestrial magnetism, terrestrial electricity or hydrological phenomena is made in a detached island, lake, marsh, forest, field or a similar place, and if it is difficult to obtain the consent of the possessor or occupant in advance and no serious injury to the existing state of things is made, the Director-General of the Japan Meteorological Agency may cause the member engaged in the observation to remove plants, hedges, fences, etc. obstructive to it without obtaining the consent of the possessor or occupant, regardless of the provisions of the preceding paragraph. In this case, a notice to that effect shall be given promptly to the possessor or occupant.

(Compensation for Loss)
Article 40 When any loss has been incurred by the entrance or removal as mentioned in the preceding two Articles, the State shall compensate the loser for the amount of loss that is usually incurred in such cases.

2 The amount of compensation as mentioned in the preceding paragraph shall be decided by the Director-General of the Japan Meteorological Agency.

3 Any one who is dissatisfied with the decision as mentioned in the preceding paragraph may bring a lawsuit for an increase in the amount of compensation within three months of the day he knew of the decision.

4 The State shall be the defendant in the case of the lawsuit as mentioned in the preceding paragraph.

(Report and Examination)
Article 41 The Director-General of the Japan Meteorological Agency may, if he deems it necessary for attaining the purpose mentioned in Article 1, cause the person who was given permission in accordance with the provisions of Article 17 paragraph 1 or Article 26 paragraph 1, or the ship as mentioned in Article 7 paragraph 1, to make reports on the meteorological service performed.

2 The Director-General of the Japan Meteorological Agency can, if he deems it necessary for attaining the purpose mentioned in Article 1, dispatch members to the office or place of observation of the person who either was given permission in accordance with the provisions of Article 17 paragraph

1 or Article 26 paragraph 1 or is engaged in the observation of meteorological phenomena in accordance with the technical standards under the provision of Article 6 paragraph 1 or 2 or to the ship as mentioned in Article 7 paragraph 1, to cause them to examine meteorological records, meteorological instruments and other articles.

3 The examination under the preceding paragraph shall not be interpreted as guaranteed for search for crime.

(Identification Card)
Article 42 Any member who is engaged in the activities mentioned in the provisions of Article 38, Article 39, or paragraph 2 of the preceding Article shall carry with him an identification card showing his position, and shall show it on demand to any one concerned.

(Undertaking of Particular Services)
Article 43 The Japan Meteorological Agency, when entrusted by any one, may, if it is not obstructive to the service of its own, make particular observation, forecast, investigation and research on meteorological or terrestrial phenomena, earth's movement, terrestrial magnetism, terrestrial electricity and hydrological phenomena and on matters relating closely thereto as well as give guidance thereon and plan, manufacture, calibrate, repair, or adjust instruments of meteorological observation and instruments, machinery or apparatuses of observation of earth's movement and terrestrial magnetism and terrestrial electricity.

2 Any one who entrusts the planning, manufacture, calibration, repair or adjustment under the preceding paragraph shall pay a fee in accordance with the Cabinet Order.

CHAPTER VIII

PENAL REGULATIONS

Article 44 Any one who has violated the provisions of Article 37 shall be liable to a penal servitude not exceeding three years or a fine not exceeding fifty thousand yen, or to both.

Article 45 Any one who has issued a warning in violation of the provisions of Article 23 shall be liable to a fine not exceeding fifty thousand yen.

Article 46 Any one who falls under any of the following items shall be liable to a fine not exceeding thirty thousand yen:

(1) One who has violated the provisions of Article 9;

(2) One who has rendered forecasting service without permission in violation of the provisions of Article 17 paragraph 1;

(3) One who has rendered the service of publishing the result of meteorological observation without permission in violation of the provisions

of Article 26 paragraph 1.

Article 47 Any one who falls under any of the following items shall be liable to a fine not exceeding ten thousand yen.

(1) One who has made an alteration in the purpose and scope of his forecasting service without authorization in violation of the provisions of Article 19;

(2) One who has violated the order of suspension of his service under the provisions of the main clause of Article 21 (inclusive of the case where the provisions are applied mutatis mutandis in accordance with Article 26 paragraph 2);

(3) One who has refused or obstructed the entrance stipulated in Article 38 paragraph 1;

(4) One who has failed to give a report or given a false report in violation of the provisions of Article 41 paragraph 1;

(5) One who has refused, obstructed or evaded the examination stipulated in Article 41 paragraph 2.

Article 48 In case a representative of a juridical person, or an agent, employee or any other worker of a juridical person or an individual, has committed any of the offenses mentioned in the preceding four Articles in connection with the service of the said juridical person or individual, not only shall the offender be punished, but also the juridical person or individual be punished with a fine as provided for in the said Articles. However, this shall not apply to the juridical person or individual in case it has been proved that due care and supervision were excercised for the said service by an agent, employee or any other worker of the said juridical person or individual to prevent the said offence.

SUPPLEMENTARY PROVISIONS

1 The date of the enforcement of this Law shall be determined by the Cabinet Order and be within a period not exceeding six months after the day of its promulgation.

2 Any one who is being engaged in meteorological observation which is required to be taken in accordance with the technical standards under Article 6 paragraph 1 or 2 at the time of the enforcement of this Law, may continue the observation for five years as from the day of promulgation of this Law not conforming to the technical standards under paragraph 1 of the said Article. However, this shall only apply to the case where the observation is taken with meteorological instruments which are regarded as having passed the calibration as mentioned in paragraph 6 of the Supplementary Provisions.

3 Any one mentioned in the preceding paragraph shall report to that effect to the Minister of Transportation in accordance with the Ministry of Transportation Ordinance within thirty days from the day of the promulgation of this Law.

4 The meteorological instruments which are actually installed on the ship under Article 7 paragraph 1 and designated by the Ministry of Transportation Ordinance at the time of the enforcement of this Law shall be regarded as the meteorological instruments under the same paragraph for two years from the day of the promulgation of this Law in applying the provisions of the same paragraph.

5 The meteorological and hydrological observations to be taken by a ship equipped with the meteorological instruments under the preceding paragraph, may be taken without conforming to the technical standards under Article 7 paragraph 2 for two years from the day of the promulgation of this Law regardless of the provisions of the same paragraph.

6 The meteorological instruments which are actually in use and are required to have passed the calibration under Article 27 or the calibration under Chapter 4, Section 2 of the Measurement Law, in accordance with the provision of Article 9 at the time of enforcement of this Law, shall be regarded as having passed the calibration under Article 27 for five years from the day of the promulgation of this Law, in applying the provisions of the same Article.

7 A person who is conducting the forecasting service under Article 17 paragraph 1 and the service under Article 26 paragraph 1 at the time of the enforcement of this Law, may conduct these services for sixty days as from the day of the promulgation of this Law (in case an application for permission is submitted during that period, up to the time when the notice for permission or rejection is to be received), without obtaining the permission under these provisions.

THE RIVER LAW

Law No. 167 of 1964
Promulgated on 10 July 1964
lastly revised on 1 June 1970

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Chapter I. General Provision

(Purposes)

Article 1. The purposes of this Law are to contribute to the land conservation and development of the country and thereby to maintein public security and promote public welfare, by administering rivers comprehensively to prevent occurrence of damage due to floods, high tides, etc., utilize rivers properly and maintain the normal functions of the river water.

(Principles Governing River Administration, etc.)

Article 2. A river is a property for public use, and its conservation, utilization and other forms of administration shall be properly performed so as to attain the purposes stated in the preceding Article.

2 The water of a river cannot be made the subject of a private right.

(River and River Administration Facility)

Article 3. The term "river" as used in this Law means a Class A river or a Class B river and includes the river administration facilities for the river.

2 The term "river administration facility" as used in this Law means a dam, weir, sluice,

levee, revetment, groundsill or other facility which has the function of increasing public benefits from the water of a river or of eliminating or decreasing public losses which may be caused by the water of a river. However, with regard to a facility built by a person other than the river administrator, the term applies only when the river administrator has obtained the consent of the person who, on the basis of his title, administers the facility concerned to making it a river administration facility.

(Class A River)

Article 4. The term "Class A river" as used in this Law means a river (involving public stream and water area; hereinafter the same) designated by Cabinet Order whith belongs to such a water system especially important from the standpoint of land conservation or national economy as is designated by Cabinet Order.

2 When the Minister of Construction intends to draft a plan for establishment, revision or abolition of Cabinet Order mentioned in the preceding paragraph, he shall first hear the opinions of the River Council and the prefectural governors concerned.

3 When any the prefectural governors concerned intends to state his opinion in accordance with the provision of the preceding paragraph, he shall ask for the decision of the general assembly of the prefecture concerned.

4 In the Cabinet Order for designating a river, mentioned in paragraph 1, the name and section of the river as well as the name of the water system to which it belongs must be given and specified.

(Class B River)

Article 5. The term "Class B river" as used in this Law means a river designated by the prefectural governor concerned which belongs to such a water system other than those designated by Cabinet Order under paragraph 1 of the preceding Article as has an important bearing on public interests.

2 When the prefectural governor intends to designate a river in accordance with the provision of the preceding paragraph, if the river concerned forms or crosses the boundary between the prefecture and another prefecture, he shall consult with the governor of the other prefecture.

3 When the prefectural governor dsignates a river in accordance with the provision of paragraph 1, he shall make public its name and section as well as the name of the water system to which it belongs, as may be provided for in detail by Ministry of Construction Ordinance.

4 When the prefectural governor intends to designate a river in accordance with the provision of paragraph 1, he shall first hear the opinions of the heads of the cities, towns and villages concerned.

5 When the head of any of the cities, towns or villages concerned intends to state his opinion in accordance with the provision of the preceding paragraph, he shall ask for the decision of the general assembly of the city, town or village concerned.

6 For change or abolition of the designation of a Class B river the procedure for the designation made under the provision of paragraph 1 shall be followed.

7 When a Class B river is designated as a Class A river falling under paragraph 1 of the preceding Article, the designation under paragraph 1 concerning the Class B. river becomes null and void.

(Rives Area)

Article 6. The term "river area" as used in this Law means an area given in one of the

following items :

(1) Area of the land where the water of a river flows continuously and of the land where the topography, conditions of growth of vegetation and other conditions are similar to the conditions of the land where the water of a river flows continuonsly (including the land of the river-bank but excluding the land where such conditions exist temporarily owing to floods or other abnormal natural phenomena);

(2) Area of the land which is the site of a river administration facility;

(3) Of the area of the land on the waterside of the bank (including such land similar to it as may be designate by Cabinet Order and such retarding basin as may be designated by Cabinet Order), area designated by the river administrator as an area whose administration must be performed unifiedly with the area mentioned in item (1).

2 When the river administrator designates an area mentioned in item (3) of the preceding paragraph, he shall make public notification to that effect, as may be provided for in detailby Ministry of Construcion Ordinance. The same shall apply to the cases of changing and cancelling the designation.

3 When the river administrator intends to make or change the designation referred to in item (3) of paragraph 1 with regard to a harbour area provided in the Harbour Law (Law No. 218 of 1950) or a fishing port area provided for in the Fishing Port Law (Law No. 137 of 1950) he shall consult with the harbour administrator or the Minister of Agriculture and Forestry as the case may be.

(River Administrator)

Article 7. The term "river administrator" as used in this Law means a person who administers rivers in accordance with the provision of Article 9 paragraph 1 or of Article 10.

(River Works)

Article 8. The term "river works" as used in this Law means works executed on a river in order to increase public benefits or eliminate or diminish public losses caused by the water of the river.

Chapter II. Administration of River

Section 1. General Rules

(Administration of Class A River)

Article 9. The administration of a Class A river shall be performed by the Minister of Construction.

2 The Minister of Construction shall, with respect to a section he designates of a Class A river (hereinafter referred to as "designated section"), have part of the administration performed by the prefectural governor governing the prefecture where the part concerned of the river is located, as may be provided for in detail by Cabinet Order.

3 When the Minister of Construction intends to designate a designated section, he shall, in advance, hear the opinion of the prefectural governor concerned. The same shall apply when he intends to change or cancel the designation.

4 When the Minister of Construction designates a designated section, he shall make public notification to that effect, as may be provided for in detail by Ministry of Construction Ordinance. The same shall apply when he changes or canceles the designation.

(Administration of Class B River)

Article 10. The administration of a Class B river shall be performed by the prefectural governor

governing the prefecture where the river concerned is located.

(Exception in Case of Administration of Class B River Forming or Crossing Boundary)

Article 11. With regard to the part of a Class B river forming or crossing the boundary between two or more prefectures, the prefectural governors concerned may, by consultation, fix a specimethod of administration.

2 When an agreement has been reached by consultation under the provision of the preceding paragraph, the prefectural governors concerned shall publish the contents of the agreement reached, as may be provided for in detail by Ministry of Construction Ordinance.

3 When the governor of one prefecture performs the administration of the part lying in the area of another prefecture on the basis of the agreement reached by consultation under the provision of paragraph 1, he shall carry out the functions of the governor of the other prefecture in his place, as may be provided for in detail by Cabinet Order.

(River Register)

Article 12. A river administrator shall prepare a set of registers of the rivers he administers, and keep it in custody.

2 The set of registers shall comprise a register showing the present condition of the rivers and a register of water utilization.

3 The items to be entered in the registers and other necessary matters concerning their preparation and custody shall be provided for by Cabinet Order.

4 When the river administrator receives a request for permission of perusal of the river registers, he shall not refuse it unless there is a justifiable reason.

(Structural Standards for River Administration Facilities etc.)

Article 13. Any river administration facility or any structure built with the permission of Article 26 shall be of safe construction based on the consideration of the water level, discharge, topography, geology and other conditions of the river as well as the dead weight, water pressure and other anticipated loads.

2 With regard to the structute of dams, levees and other major facilities, out of the river administration facilities, and of structures built with the permission of Article 26, the technical standards considered necessary from the standpoint of river administration shall be fixed by Cabinet Order.

(Regulations for Operation of River Administration Facilities)

Article 14. The river administrator shall, for such dams, weirs, sluices and other facilities involving operation, out of the river administration facilities he administers, as may be fixed by Cabinet Order, establish respective operation regulations, as may be provided for in detail by Cabinet Order.

2 When the river administrator intends to establish or change operation regulations of the preceding paragraph, he shall, in advance, hear the opinions of the prefectural governors concerned in case of river administration facilities of a Class A river and opinions of the heads of the cities, towns and villages concerned in case of river administration facilities of a Class B river.

(Consultation with Other River Administrators)

Article 15. In connection with a Class B river, if it is feared, when the river administrator intends to establish or change the operation regulations mentioned in paragraph 1 of the preceding Article, or execute a river work, or take an official action in accordance with any of the provisions of Articles 23 through 29 (including the official action of Article 75 taken

in connection with such action), that operation based on the operation regulations, or the river work concerned, or the work or other act connected with the official action concerned may have a marked effect on a river administered by another river administrator, the river administrator shall, in advance, consult with the other river administrator.

Section 2. River Works etc.

(Basic Plan of Work Executjon)

Article 16. A river administrator shall, for the rivers he administers, fix the design highwater discharge and other matters which will be the basis for executing river works of the rivers concerned (hereinafter referred to as "basic plan of work execution").

2 A basic plan of work execution shall be so fixed, in accordance with the standards that may be established by Cabinet Order, and for each water system, as to ensure comprehensive administration of the rivers in the water system, by taking into consideration the conditions of flood damage caused in the past, present status of utilization of water resources and their development and also by effecting coordination with the comprehensive national land development plan.

3 In fixing a basic plan of work execution, the river administrator shall, with regard to areas where damage due to floods has been frequently caused owing to precipitation, topography geology and other conditions, take special care to provide for measures to prevent or diminish such damage.

4 When the Minister of Construction intends to fix a basic plan of work execution, he shall first hear the opinion of the River Council.

(Consultation on Works etc. of Structure for Joint Use)

Article 17. In case a river administration facility and a facility or structure intended for a purpose othar then river administration (hereinafter referred to as "non-river-administration facility") are built as one structure, the river administrator and the administrator of the non-river-administration facility may, upon consultation, fix a special administration method and perform the works, maintenance and operation of the structure which is the river administration facility and the non-river-administration facility according to the fixed method.

2 In case the administrator of the non-river-administration facility performs works, maintenance or operation of the river administration facility in accordance with consultation prescribed in the preceding paragraph, the river adminstrator shall make public notification to that effect as may be provided for in detail by Ministry of Construction Ordinance.

(Execution of Work by Person Who Has Necessitated Such Work)

Article 18. With regard to a work other than a river work (hereinafter referred to as "other work and such river work as may be necessitated by the act of damaging a river or an act causing necessity of changing the present condition of a river (hereinafter referred to as "other act"), the river administrator may have such works executed by the executor of the other work concerned or by the person who performed the other act concerned as the case may be.

(Execution of Appurtenant Work)

Article 19. With regard to such other work as has been necessitated by a river work or such other work as has become necessary in order to execute a river work, the river administrator may execute such work together with the river work concerned.

(Work etc. Executed by Person Other than River Administrator)

Article 20. Apart from the cases provided for in Article 11, Article 17 paragraph 1 and Article 18, a person other than the river administrator may perform river work or river maintenance by obtaining in advance the approval of the river administrator as may be provided for in detail by Cabinet Order. However, it shall not be necessary to obtain the approval of the river administrator in case of a simple work or maintenance which may be fixed by Cabinet Order.

(Compensation for Loss Caused by Execution of Work)

Article 21. Except in a case to which the provision of Article 93 paragraph 1 of the Land Expropriation Law (Law No. 219 of 1951) applies, when it is deemed unavoidably necessary, as the result of execution of a river work, to build, extend, repair or move a pathway, ditch, fence, palisade or some other facility or structure or to execute banking or cutting on the land bordering on the river concerned, the river administrator (in case the river wnrk concerned is one executed by a person other than the river administrator, that person; hereinafter the same in this Article) shall pay in compensation a part or the whole of the expenses for such work on the request of the person to whom execution of the work is necessary (hereinafter in this Article referred to as "person who has incurred loss"). In such case, the river administrator or the person who has incurred loss may request that the river administrator execute the work concerned as a substitute for the whole or a part of the compensation money.

2 The compensation for loss under the provision of the preceding paragraph cannot be demanded after one year has elapsed from the day on which the river work was completed.

3 With regard to the compensation under the provision of paragraph 1, it is necessary that the river administrator and the person who has incurred loss should hold a consultation on it.

4 If no agreement can be reached by consultation under the provision of the preceding paragraph, the river administrator or the person who has incurred loss may apply to the Expropriation Committee for a decision under the provision of Article 94 of the Land Expropriation Law as may be provided for in detail by Cabinet Order.

(Emergency Measures at Time of Flood etc.)

Article 22. In case danger from floods, high tides, etc. impends, if it is of urgent necessity to take steps to prevent a flood disaster or minimize damage which may be caused by it, the river administrator may, at the site, use the required land, use or compulsorily purchase earth and stone, trees and bamboos or other materials, use rolling stock and other vehicles or tools, and dispose of structures or other obstacles.

2 In case it is urgently necessary in taking any of the steps provided for in the preceding paragraph, the river administrator may make persons living in the neighborhood or persons at the site engage in the work which the step involves.

3 In case any person incurs a loss caused by compulsory purchase, use or disposal provided for in paragraph 1, the river administrator shall compensate him for such loss as would ordinarily be incurred.

4 With regard to the compensation for loss provided for in the preceding paragraph, it is necessary that the river administrator and the person who has incurred the loss should hold a consultation on it.

5 In case no agreement can be reached by consultation under the provision of the preceding paragraph, the river administrator shall pay the person who has incurred the loss an amount

of money fixed according to his own estimation. In such case, if the person is dissatisfied with the amount, he may, within thirty days from the day he receives payment of the compensation money, apply to the Expropriation Committee for a decision under the provision of Article 94 of the Land Expropriation Law as may be provided for in detail by Cabinet Order.

6 In case a person engaging in work under the provision of paragraph 2 dies, susiains an injury or falls ill because he has engaged in the work concerned, or dies or is disabled owing to an injury or illness caused by his engaging in the work, the river administrator shall compensate him or his bereaved family or his dependents for loss attributable to any of these causes, as may be provided for in detail by Cabinet Order.

Section 3. Use of Rivers and Regulations concerning Rivers

Subsection 1 General Rules

(Permission for Use of River Water)

Article 23. Any person who intends to use the water of a river shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance.

(Permission for Occupancy of Land)

Article 24. Any person who intends to occupy land within a river area (excluding land administered by a person other than the river administrator on the basis of his title; hereinafter the same in the following Article) shall obtain the permissiom of the river adminisrator as may be provided for in detail by Ministry of Construction Ordinance.

(Permission for Taking Earth, Stone, etc.)

Article 25. Any person who intends to take earth and stone (including sand; hereinafter the same from the land within a river area shall obtain the permission of the river administrator as may be provided for in detail bn Mimistry of Construction Ordinance. The same shall apply to any person who imtends to take such products of a river other than earth and stone as may be designated by Cabinet Order from the land within a river area.

(Permission for Construction etc. of Structures)

Article 26. Any person who intends to construct, reconstruct or remove a structure on the land within a river area shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance. The same shall apply to any person who intends to construct, reconstruct or remove a structure for storing the water of a river in the sea near the estuary or making it stagnate there.

(Permission for Land Excavation etc.)

Article 27. Any person who intends to perform land excavation, banking, cutting or any other act which alters the configuration of land (except what is done for any act for which the permission of the preceding Article has been obtained) or to plant or fell trees and bamboos on the land within a river area shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance. However, this shall not apply to simple acts to be fixed by Cabinet Order.

2 In case it is deemed that a river administration facility or a structure constructed by obtaining the permission of the preceding Article will be damaged by land excavation, banking or cutting on the land within the river area and cause a serious hindrance to river administration, the river administrator shall not give the permission of the preceding paragraph or

enter into the agreement referred to in Article 95 with respect to specified land within the river area which includes the site of the river administration facility concerned or of the structure concerned.

3 The river administrator shall notify the public of the area referred to in the preceding paragraph as may be provided for in detail by Ministry of Construction Ordinance.

(Prohibition and Restriction of and Permission for Floating Down Trees and Bamboos etc.)

Article 28. Floating trees and bamboos down a river and the passage of boats and rafts on a river may be prohibited or restricted, or obtaining permission of the river administrator for such acts may be made obligatory, to the extent necessary for river administration, by Cabinet Order in case of a Class A river and by prefectural regulations in case of a Class B river.

(Prohibition and Restriction of and Permission for Act Affecting River Water Which is Likely to Hinder River Administration)

Article 29. Unless provided for in any of the Articles from 23 through the preceding Article, acts which are likely to hinder river administration by affecting the coure, cleanliness, discharge, width, depth, etc. of the water of a river may be prohibited or restricted, or obtaining permission of the river administrator for such acts may be made obligatory, by Cabinet Order.

2 Concerning Class B rivers, such acts stipulated in the preceding paragraph as may be fixed by Cabinet Order may be prohibited or restricted or obtaining permission of the river administrator for such acts may be made obligatory, by prefectural regulations.

(Restriction on Use of Structure Built with Permission)

Article 30. Any person who constructs or reconstructs a dam or any other structure fixed by Cabinet Order with the permission of Article 26 shall have the work concerned undergo the completion inspection by the river administrator and shall not use the structure concerned until after it has passed the inspection.

2 Notwithstanding the provision of the preceding paragraph, in special circumstances the person concerning whom the preceding paragraph makes provisions may use a part of the structure conserned even before the work of the structure concerned is finished, by obtaining the approval of the river administrator.

(Order to Effect Restoration to Original State etc.)

Article 31. When a person who owns a structure built by obtaining the permission of Article 26 discontinues its use, he must without delay notify fhe river administrator to that effect.

2 When the river administrator who has received the notification of the preceding paragraph deems it necessary for river administation, he may order removal of the stucture built with the permission concerned, restoration of the river to the original state and taking of other measures necessary for river administration.

(Collection of Charges for Use of River Water etc.)

Article 32. The prefectural governor may collect charges for use of river water, charges for occupancy of land, charges for taking earth and stone and charges for taking other river products (hereinafter referred to as "charges for use of river water etc.") from the persons who have received the permission of Article 23, Article 24 or Article 25 with respect to the rivers located in the area of the prefecture concerned.

2 The standards for the amounts of the charges for use of river water etc. and the necessary matters concerning their collection shall be fixed by Cabinet Order.

3 The charges for use of river water etc. shall be made a revenue of the prefecture concerned.

4 When the Minister of Construcion has given the permisson of Article 23, Article 24 or Article 25, he shall without delay make notification of the permission concerned and the matters involved to the prefectural governor who governs the prefecture where the river which the permission concerns is located. The same shall apply to the case where an official action under the provision of Article 75 has been made with respect to the permission concerned.

(Succession to Status Authorized by Permission)

Article 33. The heir, juridical person established by merger or other general business successor succeeding to the business of a person who obtained the permission of Article 23, Article 24, Article 25, Article 26 or Article 27 shall succeed to the status under the permission of any of the said Articles held by the person succeeded to.

2 A person who obtains by transfer from a person who obtained the permission of Article 26 or Article 27 the structure, land, trees or bamboos regarding which the permission was obtained or the land on which the construction etc. of a structure or planting etc. of trees and bamboos for which the permission was obtained is to be done (hereinafter in this paragraph referred to as "structure etc. for which the permission was obtained") shall succeed to the status under the permission held by the person who obtained the permission. The same shall apply, concerning the use of the structure etc., to a person who acquires the right to use the structure etc. for which the permission was obtained from the person who obtained the permission by lease or any other means.

3 Any person who has succeeded to a status in accordance with the provisions of the preceding two paragraphs shall notify the river administrator to that effect within thirty days from the day of succession.

(Transfer of Right)

Article 34. No right based on the permission of Article 23, Article 24 or Article 25 shall be transferred without obtaining the approval of the river administrator.

2 A person who has obtained by transfer a right based on the permission referred to in the preceding paragraph shall succeed to such status based on the permission as was held by the transferer.

(Consultation with Head of Administrative Organ Concerned)

Article 35. When the Minister of Construction, on receiving an application for the permission of Article 23, Article 24 or Article 26 or for the approval of paragraph 1 of the preceding Article with respect to water utilization (means use of the river water and such construction or reconstruction of a structure stipulated in Article 26 as is intended for using the river water; hereinafter the same), intends to take an official action on the application, the Minister of Construction shall consult with the head of the administrative organ concerned except in case the official action concerns the use of river water fixed by Cabinet Order.

The same shall apply when he intends to take an official action under the provision of Article 75 concerning the permission of Article 23, Article 24 or Article 26 and when he intends to take an official action on an application for approval submitted by a prefectural governor in accordance with item (3) paragraph 2 of Article 79.

2 When the Minister of Construction intends to give the permission of Article 27 paragraph 1, if there is an enterprise which will be markedly affected by the act for which the permission is given, he shall consult with the head of the administrative organ having supervision

over the enterprise concerned.

Hearing Opinions of Local Public Bodies Concerned)

icle 36. When the Minister of Construction, on receiving an application for the permission of Article 23, Article 24 or Article 26 or for the approval of Article 34 paragraph 1 with respect to water utilization, intends to take an official action on the application, he shall in advance, hear the opinion of the prefectural governor concerned except in case the official action concerns the use of river water fixed by Cabinet Order referred to in paragraph 1 of the pre-ceding Article. The same shall apply when he intends to take an official action under the provision of Article 75 on the permission of Article 23, Article 24 or Article 26.

When a prefectural governor intends to give the permission of Article 23 or Article 26 for the water utilization fixed by Cabinet Order in connection with a Class B river, he shall, in advance, hear the opinions of the heads of the cities, towns and villages conceroed.

When the Minister of Construction intends to give the permission of Article 27 paragraph 1, if the permission is concerned with an act fixed by Cabinet Order, he shall, in advance, hear the opinion of the prefectural governor concerned.

Execution of Works of Structure by River Administrator)

icle 37. When the river administrator is entrusted to do so by a person who has obtained the permission of Article 26, he may execute the works of the structure involved in the permission of the said Article.

Subsection 2. Coordination of Water Utilization

Notification on Receiving Application for Water Utilization)

icle 38. When a river administrator receives an application for the permission of Article 23 or Article 26 involving water utilization, he shall, except in case he deems the application should be rejected, send notification of the name of the applicant, purpose of the water utilization and othe matters to be fixed by Ministry of Contruction Ordinance to the persons who have obtained the permission of any of the Articles from 23 to 29 and to such persons who hold a right connected with the river as may be fixed by Cabinet Order (both hereinafter to be called "interested river users"), as may be provided for in detail by Ministry of Costruction Ordinance. However, it is not necessary to send any notification to a person who obviously will incur no loss owing to the water utilization and a person who has consented to the water utilization.

(Submission of Opinion by Interested River User)

ticle 39. When an interested river user has received the notification of the preceding Article, he may submit to the river administrator his opinion concerning the water utilization by making clear the loss he would incur owing to the water utilization, as may be provided for in detail by Ministry of Construction Ordinance.

(Conditions of Permission for Water Utilization in Case Interested River User Has Submitted Opinion)

rticle 40. When a river administrator intends to give the permission of Article 23 or Article 26 involving water utilization, if there is any person who has submitted his opinion under the provision of the preceding Article and who will incur loss owing to the water utilization applied for, he shall not give the permission except in cases falling under any one of the following items, unless the consent of all the interested river users has been obtained concerning the carrying out of the water utilization:

(1) In case the public-benefiting nature of the enterprise for which the water utilization is

done is markedly greater than that of the interested river user's enterprise using the river;

(2) In case it is deemed that if a facility necessary for preventing the loss (hereinafter referred to as a "loss preventive facility") is set up, the operation of the interested river user's enterprise using the river will not be hindered.

2 When the Minister of Construction intends to give the permission of Article 23 or Article 26 involving water utilization as a case falling under item (1) of the preceding paragraph, he shall first hear the opinion of the River Council.

(Compensation for Loss Incurred as a Result of Permission for Water Utilization)

Article 41. In case any person incurs a loss as a result of the permission of Article 23 or Article 26 involving water utilization, the person who obtained the permission for the water utilization shall make compensation for the loss.

(Consultation etc. on Compensation for Loss)

Article 42 With regard to such compensation for loss under the provision of the preceding Article as concerns an interested river user, it is necessary that the person who obtained the permision for water utilization and the interested river user should hold a consultation on it.

2 In case no agreement can be reached by consultation under the provision of the preceding paragraph, the parties concerned may ask for a ruling by the river administrator as may be provided for in detail by Cabinet Order.

3 In the case of giving the ruling of the preceding paragraph, the river administrator may, if a request is made by the interested river user that a loss preventive facility be set up to compensate for the loss and he, hearing the opinion of the person who obtained the permission for water utilization, deems that the request is reasonable, give the ruling that the person who obtained the permission for water utilization set up the loss preventive facility, by fixing the function, scale, structure, place of setting up, etc. of the loss preventive facility.

4 When the river administrator intends to give the ruling of paragraph 2, he shall first hear the opinion of the expropriation committee of the prefecture in which is located the land where the interested river user is to use the river.

5 Any person who is dissatisfied with the ruling of paragraph 2 may, within sixty days computed from the day the ruling was given, require its alteration by means of a lawsuit.

6 In the lawsuit of the preceding paragraph, the other party concerned shall be made the defendant.

7 Institution of a lawsuit under the provision of paragraph 5 shall not prevent water utilization or execution of the water utilization project.

(Restriction of Storing and Taking River Water)

Article 43. No person who has obtained the permission for water utilization shall store or take river water until after he compensates the person who has submitted his opinion under the provision of Article 39 for the loss for which the agreement has been reached by consultation under the provision of paragraph 1 of the preceding Article or for which the ruling of paragraph 2 of the same Article has been made (in case the loss compensation is to be made by establishing a loss preventive facility, until after he establishes it and obtains the approval of the river administrator). However, the same shall not apply to a loss of an interested river user who submitted his opinion under the provision of Article 39 concerning which the river administrator has given a ruling thet amount of loss cannot be fixed before storing or taking river water or concerning which he has decided that the loss preventive facili-

ty may be established after the storing or taking of river water for which the water utilization permission has been given because the loss preventive facility cannot be built until after the structure covered by the water utilization permission has been built or because special circumstances involving the kind, structure, etc. of the loss preventive facility make it inevitable, or to a loss incurred by an interested river user who has consented to the storing or taking of river water for which the water utilization permission has been given.

2 With respect to the case of the preceding paragraph, the person who has obtained the water utilization permission may deposit the compensation money in any one of the following cases:

(1) When the person who is to receive the compensstion money has refused to receive it or cannot receive it;

(2) When it is not known to the person who has obtained the water utilization permission through no fault of his own who is the person to receive the compensation money;

(3) When the person who has obtained the water utilization permission is dissatisfied with the ruling made by the river administrator;

(4) When the person who has obtained the water utilization permission has been prohibited from paying the compensation money in consequence of attachment or provisional attachment.

3 With reference to the case of item (3) of the preceding paragraph, if demanded by the person who is to receive the compensation money, the person who has obtained the water utilization permission shall pay the amount of money fixed according to his own estimation and deposit the difference between the amount of compensation money according to the ruling and its amount.

4 The deposit under the provision of paragraph 2 shall be made in a deposit office near the place of water use.

5 When the person permitted to use water has made the deposit under the provision of paragraph 2, he shall without delay notify the person who is to receive the compensation money to that effect.

6 When the person permitted to use water has made the deposit under the provision of paragraph 2, he shall without delay submit a report to that effect to the river administrator with a copy of the deposit paper stating the receipt of the deposit attached thereto.

Subsection 3. Special Provisions relative to Dams

(Maintenance of Existing Function of River)

rticle 44. A person who constructs a water utilization dam (means a dam whose height measured from the foundation ground up to the crest is 15 meters or more built for the purpose of storing or taking river water by obtaining the permission referred to in Article 26; hereinafter the same) fixed by Cabinet Order shall, if the construction of the dam causes a change in the river condition, resulting in deterioration of its original function in case of flood, build facilities necessary for maintaining the function or take measures to be substituted for such according to the instructions of the river administrator.

2 The standards for the instructions of the river administrator referred to in the preceding paragraph shall be fixed by Cabinet Order.

(Observation of Water Stage, Discharge, etc.)

rticle 45. A person who owns a water utilization dam fixed by Cabinet Order shall construct observation facilities and observe the water stage, discharge and precipitation in accordance

with the standards which may be fixed by Cabinet Order.

(Report of Condition of Dam Operation etc.)

Article 46. When a flood occurs or when it is apprehended that a flood may occur, the owner of a water utilization dam referred to in the preceding Article shall report the results of observation under the provision of the same Article and the condition of operating the dam to the river administrator and the prefectural governor, as may be provided for in detail by Cabinet Order.

2 The owner of a water utilization dam referred to in the preceding Article shall have reporting facilities necessary for making the report of the preceding paragraph promptly and correctly in accordance with the standards which may be fixed by Cabinet Order.

(Regulations for Dam Operation)

Article 47. When the owner of a water utilization dam intends to use the dam for the purpose of storing or taking river water, he shall establish regulations for operating it and obtain the approval of the river administrator concerning the regulations, as may be provided for in detail by Cabinet Order. The same shall apply in case he intends to revise the regulations.

2 When the river administrator intends to give approval to regulations referred to in the preceding paragraph for a water utilization dam fixed by Cabinet Order, he shall first hear the opinion of the prefectural governor concerned.

3 Operation of a water utilization dam shall be conducted in accordance with the regulations for operating it approved under paragraph 1.

4 In case the river administrator deems that, owing to works connected with a water utilization dam or a change of river condition or under a special circumstance involving the river, the regulations for operating it may hinder the administration of the river, he may order a change of the regulations.

(Measures for Prevention of Harm)

Article 48. Whenever the owner of a water utilization dam deems that the operation of the dam will cause a considerable change in the condition of the river water and so it is necessary for prevention of the resulting harm, he shall in advance report the fact to the prefectural governor concerned, the heads of the cities, towns and villages concerned and the heads of the police stations concerned and take necessary steps to make it known to the public, as may be provided for in detail by Cabinet Order.

(Preparation of Record etc.)

Article 49. The owner of a water utilization dam shall prepare a record of the operation of the dam whenever a flood occurs, keep it, and, when demanded to submit it by the river administrator, submit it without delay to the river administrator, as may be provided for in detail by Ministry of Construction Ordinance.

(Appointment of Engineer as Chief Superintendent)

Article 50. In case the owner of a water utilization dam uses the dam for the purpose of storing or taking river water, he shall appoint as chief superintendent an engineer possessing the qualifications fixed by Cabinet Order for proper execution of the maintenance, operation and other administration of the dam.

2 When the owner of a water utilization dam has appointed the chief superintendent in accordance with the provision of the preceding paragraph, he shall make a report to the river administrator on the matters fixed by Ministry of Construction Ordinance concerning the chief superintendent.

(Special Rule for Water Utilization Dam Used Concurrently as River Administration Facility)

Article 51. In the case where a facility is used as a water utilization dam and as a river administration facility concurrently, when the river administrator undertakes the charge of the maintenance and operation of the facility on the basis of the agreement reached by the consultation of Article 17 paragraph 1, special provisions may be made by Cabinet Order concerning the application of the provisions of this Subsection.

Subsection 4. Steps to Be Taken in Emergency

(Instructions for Flood Control)

Article 52. In case a disaster has been caused or there is a strong probability that a disaster will be caused by floods, if the river administrator deems it of urgent necessity for preventing or minimizing the disaster, he may instruct the owner of the water utilization dam that he should, on the basis of overall consideration of the conditions of the rivers belonging to the water system, take necessary steps in connection with the operation of the dam to prevent or minimize the disaster.

(Coordination of Uses of Water in Case of Drought)

Article 53. In case an abnormal drought makes it difficult to adequately use the river water for the permitted utilization purposes, the persons who have obtained permissions to use the water shall consult with one another.

2 In making consultation according to the preceding paragraph, each person concerned shall respect the uses of the others.

3 In case no agreement is reached in consultation according to paragraph 1, the river administrator may, when it is requested by the parties concerned or when he deems it would seriously harm the public benefit unless an urgent coordination of the uses of water is effected, he may make necessary intermediation or arbitration with respect to the coordination among the water uses

Section 4. River Conservancy Area

(River Conservancy Area)

Article 54. When the river administrator deems it necessary for the conservancy of the river-bank or river administration facilities, he may designate an area adjacent to the river area as a river conservancy area.

2 When the Minister of Construction intends to designate a river conservancy area, he shall in advance hear the opinion of the prefectural governor concerned. The same shall apply in case he intends to change or abolish it.

3 The designation of a river conservancy area shall be made only for the minimum area necessary for conservancy of the river-bank or river administration facility, and shall not be made beyond 50 meters from the boundary of the river area. in case, however, it is absolutely necessary according to the conditions of the topography, geology, etc., the designation may be made beyond 50 meters.

4 When the river administrator designates a river conservancy area, he shall notify the public to that effect as may be provided for in detail by Ministry of Construction Ordinance. The same shall apply in case of changing or abolishing a river conservancy area.

(Restriction of Acts within River Conservancy Area)

Article 55. Any person who intends to do an act falling under any one of the following items shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance. However, the same shall not apply to the case involv-

ing an act fixed by Cabinet Order.

(1) Excavation of land, banking, cutting or other act which changes the configuration of land;

(2) Construction or reconstruction of a structure.

2 The provision of Article 33 shall apply mutatis mutandis to the heir, juridical person established by merger or other general business successor succeeding to the business of a person who obtained the permission of the preceding paragraph, to the person who takes over from a person who obtained the permission of the preceding paragraph the land or structure regarding which the permission was obtained or the land on which the structure regarding which the permission was obtained is to be built (hereinafter in this paragraph referred to as "land etc. regarding which the permission was obtained") and to the person who, by lease or any other means, obtains the right to use the land etc. regarding which the permission was obtained from a person who obtained the permission concerned.

Section 5. Projected River Area

(Projected River Area)

Article 56. In case the river administrator deems it necessary for execution of any river works, he may designate as a projected river area a stretch of land which is to be land included in the river area by execution of the river works.

2 The designation of a projected river area shall not be made until after the date when the execution of the river works has become definite in view of the work execution plan.

3 When the river administrator designates a projected river area, he shall notify the public to that effect, as may be provided for in detail by Cabinet Order. The same shall apply in case he changes or cancels a designation made.

(Restriction of Acts within Projected River Area)

Article 57. A person who intends to do any of the acts mentioned in the following items shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance. However, the same shall not apply to the case of an act fixed by Cabinet Order.

(1) Excavation of land, banking, cutting or other act which changes the configuration of land;

(2) Construction or reconstruction of a structure.

2 In case a person suffers a loss caused by the restriction of his act according to the provision of the preceding paragraph, the river administrator shall compensate him for such loss as would ordinarily be incurred.

3 The provisions of Article 22 paragraphs 4 and 5 shall apply mutatis mutandis to the compensation of losses according to the provision of the preceding paragraph, and that of Article 33 shall apply mutatis mutandis to the heir, juridical person established by merger or other general business successor succeeding to the business of a person who obtained the permission of paragraph 1, to the person who takes over from the person who obtained the permission referred to in paragraph 1 the land or structure regarding which the permission was obtained or the land on which the structure regarding which the permission was obtained is to be built (hereinafter referred to in this paragraph as "land etc. regarding which the permission was obtained") and to the person who, by lease or any other means, obtains the right to use the land etc. regarding which the permisson was obtained from a person who obtained the permission of paragraph 1.

(Projected River Area Whose Title River Administrator Has Obtained)

Article 58. After the river administrator has obtained the title of the land of the projected river area, the land shall be regarded as land within the river area even before the land becomes the river area as far as the application of this Low is concerned. However, the penal provisions shall apply only in cases where there is a provision to that effect.

Chapter III. Expenses connected with Rivers

(Principle of Bearing Expenses Necessary for River Administration)

Article 59. Unless otherwise provided for in this Low or any other law, the expenses necessary for administering a Class A river is borne by the national government and those necessary for administering a Class B river is borne by the prefecture where the Class B river is located.

(Prefectural Share of Expenses for Administering Class A River)

Article 60. Half (one-third in case of improvement works) of the expenses necessary for administering a Class A river in a prefecture (excluding the expenses for administration of its designated part conducted by the prefectural governor in accordance with the provision of Article 9 paragraph 2) shall be borne by the prefecture as may be provided for in detail by Cabinet Order.

2 The expenses necessary for administration of a designated part of a Class A river conducted by a prefectural governor according to the provision of Article 9 paragraph 2 shall be borne by the prefecture governed by that prefectural governor. However, two-thirds of the expenses for the improvement works shall be borne by the national government, as may be provided for in defail by Cabinet Order.

(Subsidization concerning Expenses for Repairs of Designated Part of Class A River)

Article 61. The national government may grant a subsidy covering a part of the expenses for repairing such a part of a Class A river as has been designated according to the provision of Article 9 paragraph 2 as the part whose repair works should be executed by the prefectural governor concerned, up to one-third of the expenses within the limit of the budgetary appropriation.

(National Share of Expenses for Administering Class B River)

Article 62. The national government shall bear a part of the expenses for improving a Class B river within the limit of half of the expenses, as may be provided for in detail by Cabinet Order.

(Share of Expenses Imposed on Another Prefecture)

Article 63. In case a prefecture other than the prefecture which, in accordance with the provision of Article 60 paragraph 1, bears a part of the expenses for river administration conduted by the Minister of Construction is benefited greatly by the river administration, the Minister of Construction may make the former prefecture bear a part of the expenses to be borne by the latter prefecture according to the provision of the provision of the said paragraph, within the limit of the benefit gained.

2 When the Minister of Construction intends to make the benefited prefecture bear a part of the expenses for river administration in accordance with the provision of the preceding paragraph, he shall hear beforehand the opinion of the prefectural governor governing the prefecture.

3 In case a prefecture other than the prefecture whose prefectural governor conducts river

administration is benefited greatly by the river administration, the latter prefecture may make the benefited prefecture bear a part of the expenses for the administration borne by the latter prefecture, within the limit of the benefit gained.

4 When the prefectural governor intends to make the benefited prefecture bear a part of the expenses for the river administration in accordance with the provision of the preceding paragraph, he shall consult beforehand with the prefectural governor governing the benefited prefecture.

(Payment of Share)

Article 64. The expenses to be borne by the prefecture in accordance with the provision of Article 60 paragraph 1 and the expenses to be borne by the the benefited prefecture in accordance with the provision of paragraph 1 of the preceding Article out of the expenses for administration of a Class A river conducted by the Minister of Construction shall be paid into the National Treasury, as may be provided for in detail by Cabinet Order.

2 The expenses to be borne by the national government in accordance with the provision of the latter half of Article 60 paragraph 2 or the provision of Article 62 and the expenses to be borne by the benefited prefecture in accordance with the provision of paragraph 3 of the preceding Article out of the expenses for river administration conducted by the prefectural governor shall be paid to the prefecture governed by the prefectural governor, as may be provided for in detail by Cabinet Order.

(Exception regarding Expenses for administration of Class B River Forming or Crossing Boundary)

Article 65. In case a special administration method has been established by the prefectural governors concerned for such part of a Class B river as forms or crosses the boundary between two or more prefectures on the basis of the consultation according to the provision of Article 11 paragraph 1, the prefectural governors concerned may, by agreement, fix the amounts of shares to be borne by the respective prefectures and the method of bearing them.

(Expenses for Structure for Joint Use)

Article 66. If a facility for river administration is intended to be used for a purpose other than river administration as well, the bearing or sharing of the expenses for administration is fixed by consultation between the river administrator (the Minister of Construction in case the bearer of the expenses is the national government in accordance with the provisions of Article 59 and the first part of Article 60 paragraph 2, and the prefectural governor governing the prefecture in case the bearer is a prefecture; the same shall apply in the next Article, Article 68 and Article 70) and the administrator of the non-river-administration facility.

(Bearing of Expenses by Person Who Has Necessitated River Works)

Article 67. The river administrator shall make the whole or a part of the expenses for river works necessitated by some other works or other act be borne by the person who has necessitated the river works, within the limit of the expenses for the amount of works necessitated.

(Expenses for Ancillary Works)

Articele 68. The whole or a part of the expenses for works other than river works necessitated by river works or necessitated for execution of river works shall, except in case the condition attached to the permission of Article 26 provides otherwise and except in case the agreement reached by consultation according to the provision of Article 95 provides otherwise, be

borne by the person who is to bear the expenses for the river works in accordance with the provision of Article 59 or the first part of Article 60 paragraph 2, within the limit of expenses for the amount of works necessitated.

2 In case the river works referred to in the preceding paragraph have been necessitated by works other than river works or by some other act, the river administrator may make the person who is to bear the expenses for the other works or act which has necessitated the other works referred to in the said paragraph bear the whole or a part of the expenses, within the limit of the expenses for the amount of works necessitated.

(Expenses for Works etc. Executed by a person Other than River Administrator)

Article 69. The expenses for river works or river maintenance executed by a person other than the river administrator in accordance with the provision of Article 20 shall be borne by the person who is the executor of the river works or river maintenance.

(Sharing of Expenses by Beneficiaries)

Article 70. In case any persons are greatly benefited by river works, the river administrator may make them bear a part of the expenses for the river works, within the limit of the benefit accruing to them from the river works.

2 The scope of the persons from whom the shares according to the preceding paragraph are to be collected and the method of collecting the shares shall be fixed either by Cabinet Order (in case the shares are imposed by the Minister of Construction), or by bylaw of the prefecture which the prefectural governor concerned governs (in case they are imposed by a prefectural governor)

(Notification of Amounts of Shares, Payment Procedure of Shares, etc.)

Article 71. Necessary matters concerning the shares according to the provision of Article 67, Article 68 paragraph 2 or paragraph 1 of the preceding Article including the notification of the amounts of shares and the procedure for their payment shall be fixed by Cabinet Order.

(Vesting of Shares Collected)

Article 72. The shares collected in accordance with the provision of Article 67, Article 68 paragraph 2 or Article 70 paragraph 1 shall be vested either in the national government (in case they are imposed by the Minister of Construction) or in the prefecture which the prefectural governor governs (in case they are imposed by a prefectural governor)

(Expenses for Performance of Duty)

Article 73. The expenses necessary for performing a duty imposed in accordance with the provisions of this Law or of Cabinet Order or prefectural bylaw based on this Law or a duty imposed by an official action based on such provisions shall be borne by the person bound by the duty unless otherwise provided for in this Law.

(Compulsory Collection)

Article 74. In case a person fails to pay within the time-limit of payment the share, charge for use of river water, etc. (hereinafter referred to as "share etc.") to be paid in accordance with any of the provisions of this Law, Cabinet Order or prefectural bylaw based on this Law or in accordance with an official action based on any of such provisions, the river administrator (the Minister of Construction in case the share etc. are to be included in the national revenues, or, in case they are to be included in the revenues of a prefecture, the prefectural governor governing the prefecture; the same hereinafter in this Article) shall urge the payment by designating a time limit.

2 In urging the payment in accordance with the provision of the preceding paragraph, the

river administrator shall send a letter of reminder to the person under duty to make payment. The date of time limit to be designated in the letter of reminder shall be a day 20 days or more after the day when the letter of reminder is sent.

3 In case a person bound by the duty to make payment who has received a letter of reminder according to the provision of paragraph 1 fails to pay the share etc. and the fee on arrears according to the provision of paragraph 5 by the date of time limit, the river administrator may effect a disposition for the recovery of the share etc. in arrears following either the examples of recovering national taxes in arrears (in case the share etc. are to be included in the national revenues) or those of recovering local taxes in arrears (in case the share etc. are to included in the revenues of a prefecture).

4 The order of priority of the recovery of the money to be collected according to the preceding paragraph shall be next to national taxes and local taxes; and the prescription shall follow the exampes of that of national taxes.

5 In case the river administrator urged the payment in accordance with the provision of paragraph 1, he may collect a fee on arrears calculated on the basis of the number of days counted from the day following the date of time limit for payment to the day preceding the day when the whole amount of the share etc. is paid or the person's property is attached and at the rate of 4/10,000 per day of the amount of the share etc. referred to in the said paragraph, as may be provided for in detail by Cabinet Order.

Chapter IV. Supervision

(Supervisory Disposition by River Administrator)

Article 75. In case a person to whom a permission or approval has been given in accordance with the provisions of this Law or of Cabinet Order or prefectural bylaw based on this Law is found to fall under any of the following items, the river administrator may annul the permission or approval, make some alteration to it, suspend its effect, change its conditions or attach new conditions to it, or order him to discontinue the works or other act, to reconstruct or remove the structure, to set up a facility or take a step necessary for eliminating or preventing the harm which has been caused or may be caused by the works or other act or by the structure or to restore the river to its original state:

(1) person who has vilated any of the provisions of this Law or a Cabinet Order or prefectural bylaw issued on the basis of this Law or acted in contravention of a disposition made in accordance with such provisions; his general business successor or person who has taken over from him the structure etc. involved in the violation, or person who has obtained the right to use the structure etc. involved in the violation from the violator by lease or some other means;

(2) Person who does not meet the conditions attached to the permission or approval given in accordance with the provisions of this Law or a Cabinet Order or prefectural bylaw issued on the basis of this Law;

(3) Person who has obtained the permission or approval provided for in this Law or a Cabinet Order or prefectural bylaw issued on the basis of this Law by fraud or some other illegal means.

2 In any of the following cases, the river administrator may make any of the dispositions prescribed in the preceding paragraph against a person to whom the permission or approval according to this Law or a Cabinet Order or prefectural bylaw based on this Law was given:

(1) In case the person concerned has failed, in connection with the works or act for which the permission or approval has been given or in connection with the operation of the project connected therewith, to obtain, when it is necessary under some other law or regulations, the permission, approval or some other official action by the administrative agency in charge, or in case the official action has been annulled or has become invalid;

(2) In case the works or other act for which the permission or approval was given or the project involving such works or act has been discontinued either wholly or partly;

(3) In case the works or other act for which the permission was given has come to be a great hindrance to river administration, as a result of a change in the river conditions caused by a flood, high tide or other natural phenomenon;

(4) In case the disposition is unavoidable for execution of river works;

(5) Apart from the case mentioned in the preceding item, in case the disposition is unavoidable for the public benefit.

(Compensation for Loss Caused by Supervisory Disposition, etc.)

Article 76. In the case where the river administrator makes a disposition referred to in paragraph 2 of the preceding Article regarding the case as falling under item (4) or (5) of the same paragraph, if a person suffers a loss as a result of the disposition, the river administrator shall compensate the person for such loss as would ordinarily be incurred. However, the same shall not apply in case the loss is compensated in accordance with the provision of Article 41 by the person who obtained the permission for water utilization referred to in Article 23 or Article 26.

2 The provision of Article 22 paragraphs 4 and 5 shall apply mutatis mutandis to the case of compensating a loss in accordance with the provision of the preceding paragraph.

3 In case the loss to be compensated by the river administrator in accordance with the provision of paragraph 1 has been caused by a disposition according to the provision of paragraph 2 of the preceding Article made on the ground that it fell under item (5) of the same paragraph, the river administrator may make the person who has brought about the cause for compensation pay the compensation money.

(Assistant River Administrators)

Article 77. The river administrator may appoint assistant river administrators from among his staff members and authorize them to act for him in ordering person who have acted in contravention of any of the provisions of Article 20, Article 23 through 27, Article 30, Article 31 paragraph 2, Article 55 paragraph 1 and Article 57 paragraph 1 or any of the provisions of a Cabinet Order or prefectural bylaw based on the provision of Article 28 or Article 29, or in contravention of a disposition made in accordance with any of the said provisions (including violators of a disposition made in accordance with the provisions of Article 75 and violators of any condition attached to the permission or approval in accordance with the provision of Article 90 paragraph 1) to take necessary steps to correct the contravention.

2 An assistant river administrator shall, in exercising his authority given him in accordance with the provision of the preceding paragraph, carry with him an identification card indicating his status and show it to the parties concerned.

3 The form of the identification card referred to in the preceding paragraph and necessary matters related thereto shall be provided for by Ministry of Construction Ordinance.

(Making Person Who Has Been Given Permission etc. Submit Report and Inspection by Entering Office etc.)

Article 78. The Minister of Construction or the river administrator may, in case it is necessary for enforcing this Law, make a person who has been given permission or approval in accordance with any of the provisions of this Law or of a Cabinet Order or prefectural bylaw based on this Law submit a report which is necessary for river administration, or, within the limit necessary for exercising his powers under this Law, have his officials enter the place for the works or other act for which the permission or approval was given or the office or workshop of the person to whom the permission or approval was given and inspect the actual situation of the works or other act, the structures, books, documents and other articles whose inspection is necessary.

2 An official who makes inspection by entering the office etc. in accordance with the provision of the preceding paragraph shall carry with him an identification card indicating his status and show it to the parties concerned.

3 The power to make inspection by entering the office etc. provided for in paragraph 1 shall not be construed as meaning power vested for criminal investigation.

(Approval by Minister of Construction)

Article 79. When a prefectural governor intends to perform such administration of a Class A river which he is authorized with in accordance with the provision of Article 9 paragraph 2 as has been fixed by Cabinet Order, he shall obtain the permission of the Minister of Construction.

2 A prefectural governor shall, as regards a Class B river administered by him, obtain the approval of the Minister of Construction in any one of the following cases:

(1) When he intends to fix a basic plan of work execution;

(2) When he intends to execute river works fixed by Cabinet Order;

(3) When he intends to take an official action in accordane with the provision of Article 23, Article 24, Article 26, Article 29 or Article 34 paragraph 1 or an official action referred to in Article 75 to be taken in connection with an official action mentioned above.

Chapter V. River Council and Prefectural River Council

(Establishment and Functions of River Council)

Article 80. There shall be established in the Ministry of Construction a River Council (hereinafter referred to as the "Council").

2 The Council shall make investigation and deliberation on the matters placed under its jurisdiction by this Law, and, in addition, make investigation and deliberation on other important matters concerning rivers as the request of the Minister of Construction.

3 The Council may express its opinions to the administrative agencies concerned concerning the matters referred to in the preceding paragraph.

(Organization)

Article 81. The Council shall consist of 30 members or less.

2 The members shall be appointed by the Minister of Construction from among persons of learning and experience, the officials of the administrative agencies concerned and the heads of local public bodies.

3 The term of office of the members appointed from among persons of learning and experience shall be two years. However, the term of office of a member filling a vacancy shall be the remainder of the term of office of his predecessor.

4 The members shall be in part-time service.

(Chairman)

Article 82. The Counil shall have a chairman, who shall be elected by mutual election of the members.

2 The chairman shall exercise general control over the duties of the Council.

3 In case the chairman is unable to attend to his duties, a member designated befosehand by the chairman shall stand proxy for him in doing his duties.

(Special Member)

Article 83. In case it is necessary for investigation and deliberation on the matters concerning a specified river, the Council may have special members.

2 The special members shall be appointed by the Minister of Construction from among persons who have profound knowledge and experience concerning the matters in question and the heads and members of the assemblies of the local public bodies having connection with the river.

3 The special members shall be released from office upon the completion of the investigation and deliberation on the matters in question.

4 The special members shall be in part-time service.

(Panels)

Article 84. The Council shall have necessary panels including the Water Use Coordination Panel.

2 Each panel shall have a chief of panel, who shall be appointed by the Chairman from among the members.

3 The members and special members to constitute a panel shall be nominated by the Chairman.

4 The Council may, as may be provided for by its regulations, regard a resolution of a panel as such of the Council.

(Matters to Be Fixed by Cabinet Order)

Article 85. The necessary matters concerning the organization and operation of the Council which are not stipulated in this Chapter shall be fixed by Cabinet Order.

(Prefectural River Council)

rticle 86. A prefecture may have a prefectural river council in order to have it make investigation and deliberation on important matters relative to the Class B rivers in the prefecture at the request of the prefectural governor, as may be provided for in detail by prefectu-ral bylaw.

2 Necessary matters concerning a prefectural river council shall be fixed by bylaw of the prefecture.

Chapter VI. Miscellaneous Provisions

(Transitory Measures)

Article 87. A person who, on the basis of the competency and as of the day of the designation of a Class A river, Class B river, river area, river conservancy area or projected river area, is doing an act for which permission according to the provisions of this Law must be obtained or setting up a structure for which permission according to the provisions of this Law must be obtained shall be deemed to have obtained the permission according to this Law concerning the act or the setting up of the structure on the same condition as before. The same shall apply to a person who, on the basis of the competency and as of the day of the enforce-

ment of a Cabinet Order referred to in Article 25, Article 27 paragraph 1, Article 55 paragraph 1 or Article 57 paragraph 1 or a Cabinet order to amend or abolish such a Cabinet Order, is doing an act or setting up a structure for which it becomes necessary to obtain new per mission as a result of the enforcement of the Cabinet Order.

(Notification by Person Deemed to Have Obtained Permission)

Article 88. Upon the designation referred to in the preceding Article, those who are designated by Cabinet Order out of the persons who, accrding to the provision of the Article, are deemed to have obtained the permission referred to in Articles 23 through 27 shall notify the river administrator of the necessary matters as may be provided for in detail by Cabinet Order.

(Entry into Land etc. for Investigation, Works Execution, etc., and Other Provisions)

Article 89. The Minister of Construction, the prefectural governor concerned, or a person who has been given order or authorized by the Minister of Construction or the prefectural governor may, in case it is imperative for making investigation for designation of a Class A river, Class B river, river area, river conservancy area or projected river area or for performing river administration including river works and river maintenance, enter land occupied by another person or temporarily use as a material yard or workshop land of another person which is not being used for any specific use.

2 In case an official or other person intends to enter land occupied by another person in accordance with the provision of the preceding paragraph, he shall in advance notify the occupant to that effect. However, the same shall not apply in case it is difficult to make previous notification.

3 In case an official or other person intends to enter residential land or land enclosed by a fence, paling or the like in accordance with the provision of paragraph 1, he shall inform the occupant of the land to that effect before entering it.

4 No entry shall be made into the land referred to in the preceding paragraph before sunrise or after sunset, except in case the consent of the occupant has been obtained.

5 An official or other person who intends to enter land in accordance with the provision of paragraph 1 shall carry with him an identification card certifying his status and show it to the parties concerned.

6 In case an official or other person intends to temporarily use another person's land which is not being used for any specific use as a material yard or workshop, he shall in advance notify the occupant and owner of the land and hear their opinions.

7 The occupant and the owner of the land shall not refuse or prevent the entry or temporary use of it according to the provision of paragraph 1 unless he has a justifiable reason.

8 In case a person suffers a loss as a result of an act according to the provision of paragraph 1, the Minister of Construction or the prefectural governor concerned shall compensate him for the loss which would ordinarily be incurred.

9 The provisions of Article 22 paragraphs 4 and 5 shall apply mutatis mutandis to the compensation of loss according to the provision of the preceding paragraph.

(Conditions for Permission etc.)

Article 90. The river administrator may attach necessary conditions to the permission or approval according to any of the provisions of this Law, or of a Cabinet Order or prefectural bylaw based on this Law.

2 The conditions referred to in the preceding paragraph shall be limited to those of the minimum necessity and shall not impose any undue duty on the person to whom the permission

or approval is given.

(Administration of Disused River Site etc.)

ticle 91. In case a river area has been changed or come to be disused, the land of the former river area and the river administration facilities in the area which it has become unnecessary to administer as river administration facilities (national land and national facilities only; hereinafter referred to as "disused river site etc.") shall be administered by the person who has been administering the river concerned, for a period not exceeding one year fixed by Cabinet Order.

2 A disused river site etc. shall not be regarded as a disused river site etc. in application of the provision of Article 106 of the Land Expropriation Law.

(Exchange of Disused River Site etc.)

ticle 92. The person who administers a disused river site in accordance with the provision of paragraph 1 of the preceding Article may, within the period referred to in the said paragraph, exchange the disused river site etc. for land to be a new river area, as may be provided for in detail luy Cabinet Order.

(Transfer of Disused River Site of Class B River)

ticle 93. After the elapse of the term referred to in Article 91 paragraph 1, the Minister of Constrution may, upon consultation with the Minister of Finance, transfer the disused river site etc. of a Class B river which have not been exchanged as provided for in the preceding Article to the prefecture where the disused river site etc. are located, unless it is necessary to keep them as national properties.

2 The party from which the purchase or repurchase may be made according to the provision of Article 106 of the Land Expropriation Law or Article 579 of the Civil Code (Law No. 89 of 1896) shall be the prefecture to which the disused river site etc. have been transferred in accordance with the provision of the preceding paragraph.

(Expenses relating to Disused River Site etc.)

rticle 94. The expenses for the administration of a disused river site etc. during the period referred to in Article 91 paragraph 1 or for the exchange of a disused river site etc. according to the provision of Article 92 shall be borne by either the national government (in the case of a Class A river; except the designated sections) or the prefecture (in the case of a Class B river or a designated section of a Class A river), and the proceeds from the administration of disused river site shall be included in the revenue of the party that bears the expenses for administration.

(Special Rule relative to Use of River etc. by National Government)

rticle 95. With reference to the application of any of the provision of Article 20, Articles 23 through 27, Article 30 paragraph 2, Article 34 paragraph 1, Article 47 paragraph 1, Article 55 paragraph 1 and Article 57 paragraph 1 to a project executed by the national government and the river administrator concerned shall be regarded as obtainment of the permission or approval according to the corresponding provision.

(Special Rule relative to Hokkaido)

rticle 96. With regard to the rivers in Hokkaido, the bearing of expenses for river administration, the powers of the river administrator, the vesting of charges for use of river water etc. and other matters may be fixed separately by Cabinet Order regardless of the provisions of this Law.

(Raising of Complaint)

Article 97. No complaint under the Administrative Complaint Reinvestigation Law (Law No.169 of 1952) shall be raised concerning a disposition or other exercise of public power according to the provision of Article 22 paragraph 1 or 2.

2 Any person who is dissatisfied with a disposition made on behalf of the river administrator by the administrator of the non-river-administration facility on the basis of the agreement reached by consultation under the provision of Article 17 paragraph 1 may make a request for examination either to the Minister of Construction and the Minister having jurisdiction over the facility (in case the administrator of the non-river-administration facility is the national government, a national organization, a prefecture or a prefectural governor) or to the prefectural governor concerned (in case he is not any of them). With regard to a disposition made by the administrator of the non-river-administration facility who is a prefecture, a city, town or village or other public body, he may make an objection as well.

3 A person who is dissatisfied with a disposition mentioned in any one of the following items may, if the reason for complaint is connected with coordination with a mining or stone quarrying enterprise, apply for ruling to the Land Coordination Committee. In this case, no complaint can be filed under the administrative Complaint Reinvestigation Law.

(1) Permission under any of the provisions of Article 24 through 27, Article 29, Article 55 paragraph 1 and Article 57 paragraph 1 or not giving such permission;

(2) Disposition under the provision of Article 75 made in connection with a disposition under the provision of the preceding paragraph.

4 The provision of Article 18 of the Administrative Complaint Reinvestigation Law shall apply mutatis mutandis to cases where the disposing agency concerned has erroneously instructed that request for examination or raising of objection may be made, concerning either of the items given in the preceding paragraph.

(Delegation of Powers)

Article 98. A part of the powers of the Minister of Construction as river administrator under this Law may be delegated to the Directors of the Regional Construction Bureaus or the Director of the Hokkaido Development Bureau, as may be provided for in detail by Cabinet Order.

(Commitment of Business to Local Public Body)

Article 99. The river administrator may, when he deems it especially necessary, commit the maintenance, operation and similar river administative business of such river administration facilities as may be fixed by Cabinet Order to the local public body concerned.

(Rivers to Which Provisions of This Law Apply Mutatis Mutandis)

Article 100. The provisions of this Law concerning Class B rivers (except the provision which may be designated by Cabinet Order) shall apply mutatis mutandis to a river designated by the head of a city, town or village belonging to a water system other than any of the water systems designated by Cabinet Order as referred to in Article 4 paragrapg 1 and of the water systems referred to in Article 5 paragraph 1. In this case, "the prefectural governor" in the provisions shall read "the head of the city, town or village"; "the prefecture" "the city town or village"; and "the Minister of Construction""the prefectural governor."

2 Unless provided for in the preceding paragraph, technical modification in reading necessary for mutatis mutandis application of the provisions of this Law shall be fixed by Cabinet Order.

(Leaving of Matters to Cabinet Order)

Article 101. Matters necessary for enforcement of this Law not provided for in this Law shall be fixed by Cabinet Order.

Chapter VII. Penal Provisions

Article 102. A person falling under any one of the following items shall be punished with penal servitude not exceeding one year or a fine not exceeding 100,000 yen:

(1) Person who has used river water in contravention of the provision of Article 23;

(2) person who has built, rebuilt or removed a strucure in contravention of the provision of Article 26;

(3) Person who has excavated land, performed banking, cutting or othe act of altering the configuration of land, or planted or felled trees or bamboos in contravention of the provision of Article 27 paragraph 1.

Article 103. A person falling under any one of the following items shall be punished with penal servitude not exceeding 6 months or a fine not exceeding 50,000 yen:

(1) Person who has used a structure in contravention of the provision of Article 30 paragraph 1;

(2) Person who has refused or hindered entry into or temporary use of land in contravention of the provision of Article 89 paragraph 7.

Article 104. A person who has performed an act falling under any of the items of Article 55 paragraph 1 in a river conservancy area in contravention of the provision of the paragraph shall be punished with penal servitude not exceeding 3 months or a fine not exceeding 30,000 yen.

Article 105. A person falling under any one of the following items shall be punished with a fine not exceeding 50,000 yen:

(1) Person who has disobeyed instructions under the provision of Article 44 paragraph 1;

(2) Person who has used a dam for storing water or for taking water without obtaining the approval under the operation regulationt provided for in the firsf part of Article 47 paragraph 1;

(3) person who has operated a dam in contravention of the provision of Article 47 paragraph 3;

(4) Person who has obtained the permission of Article 23, Article 26, Article 27 paragraph 1 or Article 55 paragraph 1 by fraud or other illegal means;

(5) Person who has caused a structure to pass the inspection of Article 30 paragraph 1 by fraud or other illegal means and has used it.

Article 106. A person falling under any one of the following items shall be punished with a fine not exceeding 30,000 yen:

(1) Person who has failed to keep records or refused to submit them in contravention of the provision of Article 49 or has submitted false records in that connection;

(2) Person who has used a dam for storing river water or for taking water without appointing chief superintendent engineer provided for in Article 50 paragraph 1;

(3) Person who, in contravention of the provision of Article 26, has built, rebuilt or removed a structure on the land of such projected river area as has come to be regarded as land within the river area according to the provision of Article 58;

(4) Person who, in cnntravention of the provision of Article 27 paragraph 1, has excavated land, performed banking, cutting or other act of altering the configuration of land or has

planted or felled trees or bamboos on the land of a projected river area referred to in the preceding item;

(5) Person who, in contravention of the provision of Article 30 paragraph 1, has used a structure built or rebuilt on the land of a projected river area referred to in item 3;

(6) Person who has failed to submit a report in contravention of the provision of Article 78 paragraph 1 or submitted a false report or has refused or hindered inspection under the provision of the said paragraph.

Article 107. In case the representative of a juridical person, or an agent or an employee of or any other person working for a juridical or natural person has violated any of the provision of Articles 102 through 106 in connection with the business of the juridical or natural person, not only the offender shall be punished but the juridical or natural person shall alse be punished with a fine prescribed in the corresponding Article.

Article 108. A person who has failed to submit a report in contravention of the provision of Article 33 paragraph 3 (including its mutatis mutandis application in Article 55 paragraph 2 and Article 57 paragraph 3) or submitted a false report in that connection shall be punished with a non-penal fine not exceeding 10,000 yen.

Article 109. A Cabinet Order or prefectural bylaw based on the provision of Article 28 or Article 29 paragraph 1 or 2 may have necessary penal provisions.

2 The punishment to be provided for by the penal provisions referred to in the preceding paragraph shall be penal servitude not exceeding 6 months, fine not exceeding 50,000 yen, detention and minor fine in case of a Cabinet Order, and penal servitude not exceeding 3 months, fine not exceeding 30,000 yen, detention and minor fine in case of a prefectural bylaw.

Supplementary Provision

This Law shall come into force as from April 1, 1965. However, the provisions of Chapter V shall come into force as from the day of its promulgation.

Cabinet Order to designate Class A River Basins as provided under Article 4 Paragraph 1 of the River Law

Cabinet Order No.43 of 1965
Promulgated on 24 March 1965
Lastly amended on 12 April 1975 by Cabinet Order No.111

(◦ [r.b.] = the river basin,
◦ The underlined is to show the designated river for flood forecasts and warnings designated by Minister of Construction after consultation with Minister of Transport as provided under Article 10 of Flood Defense Law, and,
◦ [*] mark is to show the designated river for flood defense alarms designated by Minister of Construction as provided under Article 10-4 of Flood Defense Law.)

Class A River Basins as provided under Article 4 Paragraph 1 are the ones given in the following items.

[Hokkaidô Region] (1)*Teshio r.b. (2) Shokotsu r.b. (3)*Yûbetsu r.b. (4)*Tokoro r.b. (5)*Abashiri r.b. (6)*Rumoi r.b. (7)*Ishikari r.b. (8)*Shiribetsu r.b. (9) *Shiribeshi-toshibetsu r.b. (10)*Mu r.b. (11)*Saru r.b. (12)*Kushiro r.b. (13) *Tokachi r.b.

[Tôhoku Region] (14)*Iwaki r.b. (15) Takase r.b. (16)*Mabuchi r.b. (17)*Kitakami r.b. (18)*Naruse r.b. (19)*Natori r.b. (20)*Abukuma r.b. (21)*Yoneshiro r.b. (22) *Omono r.b. (23)*Koyoshi r.b. (24)*Mogami r.b. (25)*Aka r.b.

[Kantô Region] (26)*Kuji r.b. (27)*Naka r.b. (28)*Tone r.b. (29)*Ara r.b. (30)*Tama r.b. (31)*Tsurumi r.b. (32)*Sagami r.b. (46)*Fuji r.b.

[Hokuriku Region] (33)*Ara r.b. (34)*Agano r.b. (35)*Shinano r.b. (36)*Seki r.b. (37)*Hime r.b. (38)*Kurobe r.b. (39)*Jôganji r.b. (40)*Jinzû r.b. (41)*Shô r.b. (42)*Oyabe r.b. (43)*Tedori r.b. (44)*Kakehashi r.b.

[Chûbu Region] (45)*Kano r.b. (47)*Abe r.b. (48)*Ôi r.b. (49)*Kiku r.b. (50)*Tenryû r.b. (51)*Toyo r.b. (52)*Yahagi r.b. (53)*Shônai r.b. (54)*Kiso r.b. (55)*Suzuka r.b. (56)*Kumozu r.b. (57)*Kushida r.b. (58)*Miya r.b.

[Kinki Region] (59)*Yura r.b. (60)*Yodo r.b. (61)*Yamato r.b. (62)*Maruyama r.b. (63)*Kako r.b. (64)*Ibo r.b. (65)*Kino r.b. (66)*Shingû r.b. (67)*Kuzuryû r.b. (68)*Kita r.b.

[Chûgoku Region] (69)*Sendai r.b. (70)*Tenjin r.b. (71)*Hino r.b. (72)*Hii r.b. (73) *Gôno r.b. (74)*Takatsu r.b. (75)*Yoshii r.b. (76)*Asahi r.b. (77)*Takahashi r.b. (78)*Ashida r.b. (79)*Ôta r.b. (80)*Oze r.b. (81)*Saba r.b.

[Shikoku Region] (82)*Yoshino r.b. (83)*Naka r.b. (84)*Doki r.b. (85)*Shigenobu r.b. (86)*Hiji r.b. (87)*Monobe r.b. (88)*Niyodo r.b. (89)*Watari r.b.

[Kyûshû Region] (90)*Onga r.b. (91)*Yamakuni r.b. (92)*Chikugo r.b. (93)*Yabe r.b. (94)*Matsuura r.b. (95)*Rokkaku r.b. (96)*Kase r.b. (97)*Hommyô r.b. (98)*Kikuchi r.b. (99)*Shira r.b. (100)*Midori r.b. (101)*Kuma r.b. (102)*Ôita r.b. (103)*Ôno r.b. (104)*Banshô r.b. (105)*Gokase r.b. (106)*Omaru r.b. (107)*Ôyodo r.b. (108) *Sendai r.b. (109)*Kimotsuki r.b.

(the underlined = 17 rivers, * mark = 107 rivers in all)

FLOOD DEFENSE LAW

(Law No. 194 of 1949)

Latest revision made by Law No. 123 of 1960

Ministry of Construction, Japan

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FLOOD DEFENSE LAW

(Law No. 194 of 1949:
June 6, 1949)
Latest revision made on
June 30, 1960 by Law No.
123 of the year

CHAPTER I. GENERAL PROVISIONS

(Purposes)

Article 1.

The purposes of this Law are to guard against and prevent disasters in case of a flood or a high tide, minimize the resultant damage and thereby to maintain public safety.

(Definition)

Article 2.

"Flood defense administering body" as used in this Law means a city, town or village (includes special ward; hereinafter the same) which is responsible for flood defense or an association of cities, towns and villages which jointly perform flood defense (hereinafter to be referred to as a "flood defense association") or a flood damage preventive association.

2. "Flood defense administrator" as used in this Law means the head of the city, town or village which is the flood defense administering body or the administrator of the flood defense association or of the flood damage preventive association.

3. "Fire defense organ" as used in this Law means any of the organs for fire fighting prescribed in Article 9 of the Fire Defense Law (Law No. 226 of 1947).

4. "Head of the fire defense organ" as used in this Law means the chief of the fire defense headquarters in the case where the city, town or village has such headquarters or the chief of the fire brigade in the case where the city, town or village has no fire defense headquarters.

5. "Flood defense plan" as used in this Law means a plan involving (A) such watch, precaution, communication, liaison, transportation and operation of dams, sluices or lock gates as are necessary for flood defense; (B) flood defense activities of the flood defense corps and the fire defense organs; (C) cooperation and mutual assistance between flood defense administering bodies; and (D) supply, installation and use of tools, materials and equipments necessary for flood defense.

6. "Water-gauges etc." as used in this Law means water gauges, tide gauges and other equipments for observation of the water stage.

7. "Flood defense alarm" as used in this Law means an announcement warning the inhabitants that flood defense activities should be started, issued when there is a fear of a flood or high tide causing a disaster.

CHAPTER II. ORGANIZATION OF FLOOD DEFENSE

(Flood Defense Responsibility of City, Town or Village)

Article 3.

A city, town or village shall be responsible for adequate water defense of its area. However, the same shall not apply to the area whose flood defense is to be done by a flood defense association and the area of a flood damage preventive association.

(Establishment of Flood Defense Association)

Article 3-2.

In case it is deemed extremely difficult or improper owing to topographical conditions for cities, towns and villages to independently discharge the responsibility referred to in the preceding Article, the cities, towns and villages shall, considering the commonness of the damage that may be caused by floods or high tides and fixing the area for which flood defense should be undertaken in concert, establish a flood defense association.

(Special Measures in Case of Establishing Flood Defense Association Whose Area of Flood Defense Activities is the Area of Flood Damage Preventive Association)

Article 3-3.

In cases where the prefectural governor intends to abolish a flood damage preventive association in accordance with the provision of Article 15 paragraph 1 (abolition, establishment and amalgamation of flood damage

preventive association and change of its area in charge) of the Flood Damage Preventive Association Law (Law No. 50 of 1908), if a flood defense association is established as the flood defense administering body to succeed to the flood damage preventive association for the whole or a part of the area which has been under the charge of the flood damage preventive association, the prefectural governor may, notwithstanding the provision of paragraph 3 of the same Article (restriction of abolishing flood damage preventive association), abolish the flood damage preventive association), abolish the flood damage preventive association when the flood damage preventive association has finished the disposal of the assets and liabilities other than its assets which are used or scheduled to be used for flood defense and its liabilities connected with such liabilities, out of all its assets and liabilities.

2. The flood damage preventive association which is abolished according to the provision of the preceding paragraph shall assign gratis its assets possessed as of the day of its abolishment which are being used or are scheduled to be used for flood defense to the flood defense association (in case a flood defense association is established for the flood defense of the whole area of the flood damage preventive association) or to either the flood defense association or associations or the city, town or village (in case two or more flood defense associations are established for the area of the flood damage preventive association or in case a part of the area of the flood damage preventive association becomes an area for whose flood defense the city, town or village is responsible) by consent of the flood damage preventive association and the flood defense association or associations and/or the city,

town or village concerned. The flood defense association or associations and city, town or village concerned shall bear the liabilities connected with the assets assigned to them. In this case, the flood damage preventive association shall be deemed to exist until the time when the transfer of the assets and that of the liabilities are completed, as far as it is necessary for the transfer of the assets and the liabilities.

(Election of Members of Flood Defense Association Council)

Article 3-4.

The members of the council of the Flood Defense Association shall be elected at the assembly of each of the cities, towns and villages concerned in accordance with the provisions of the rules of the association from among those who are eligible for members of the assembly of the city, town or village concerned, are persons of learning and experience in the field of flood defense and, at the same time, are deemed to be persons of ardent propensity. However, in case it is deemed necessary to coordinate special interests involving the area of several cities, towns and villages, some of the members may be elected from among the persons recommended by the head of the city, town or village concerned who are eligible for members of the assembly of the city, town or village concerned, are persons of learning and experience in the field of flood defense and are deemed to be persons of ardent propensity, in accordance with the provisions of the rules of the association. In this case the number of the council members elected out of those recommended by the head of the city, town or village shall not exceed half the number of the

members of the council elected at the assembly of the city, town or village concerned.

2. The number of the council members to be elected at the assembly of each of the cities, towns or villages concerned according to the provision of the preceding paragraph shall be fixed considering the rate of the part it receives of the benefits from the projects undertaken by the flood defense association and the rate of the part within its area of the total length of the facilities to be protected.

(Allotment of Expenses of Water Defense Association)

Article 3-5.

The shares of the expenses of the flood defense association to be borne by the respective cities, towns and villages concerned shall be fixed on the basis of the rates referred to in paragraph 2 of the preceding Article.

(Flood Defense Responsibility of Prefecture)

Article 3-6.

The prefecture shall be responsible for ensuring that the flood defense administering bodies within the area of the prefecture satisfactorily execute flood defense.

(Designated Flood Defense Administering Body)

Article 4.

The prefectural governor may designate a flood defense administering body which has an important bearing on public safety from the viewpoint of

flood defense as a designated flood defense administering body.

(Flood Defense Organs)

Article 5.

The flood defense administering body may, for the purpose of performing the work of flood defense, establish a flood defense corps or corps.

2. The flood defense administering body designated under the provision of the preceding Article (hereinafter referred to as the "designated administering body") shall, when it deems that the fire defense organ of the area is unable to fully discharge the work of flood defense, establish a flood defense corps.

3. The flood defense corps and the fire defense organ shall act under the command of the flood defense administrator as far as flood defense is concerned.

(Flood Defense Corps)

Article 6.

The flood defense corps shall consist of a head and a certain number of members.

2. The establishment of the flood defense corps, area under its charge, its organization and matters concerning the fixed number, appointment and dismissal, salary and service of the head and members of the flood defense corps shall be decided either by the regulations of the city, town or village

or of the flood defense association or by resolution of the association meeting of the flood damage preventive association, as the case may be.

(Compensation for Accidents Caused in Line of Duty)

Article 6-2.

If the head of the flood defense corps or a member of the flood defense corps dies, is injured or falls ill in line of public duty, or if he dies or is disabled from injury or illness caused by public duty, the flood defense administering organ to which the head or member of the flood defense corps belongs shall compensate the person concerned or his surviving family or his dependent for the loss incurred through any of these causes, according to the standard established by Cabinet Order and in accordance with the regulations (in the case where the organ is a city, town or village or flood defense association) or the resolution of the association meeting (in the case where the organ is a flood damage preventive association).

(Flood Defense Plan)

Article 7.

For coordination of the work of flood defense and for its smooth execution, the prefectural governor shall formulate the flood defense plan of the prefecture upon referring to the prefectural flood defense council.

2. With regard to the flood defense involving two or more prefectures, the governors of the prefectures concerned shall fix the flood defense plans of the respective prefectures upon mutual agreement previously made, obtain the approval of the Minister of Construction and report the approved flood

defense plans to the Director of the Fire Defense Agency.

(Prefectural Flood Defense Council)

Article 8.

Each prefecture shall have a prefectural flood defense council in order to make it investigate and deliberate upon flood defense plans and other important matters concerning flood defense of the prefecture.

2. The prefectural flood defense council may offer opinions concerning flood defense to the organs concerned.

3. The prefectural flood defense council shall consist of one chairman and members not exceeding fifteen persons.

4. The post of the chairman shall be held by the governor of the prefecture. The mebmers shall be appointed by the prefectural governor from among the officials of the administrative organs concerned, the representatives of the bodies concerned with flood defense and persons of learning and experience.

5. Necessary matters concerning the prefectural flood defense association not provided for in the preceding paragraphs shall be fixed by the regulations of the prefecture concenred.

CHAPTER III. FLOOD DEFENSE ACTIVITIES

(Inspection of Rivers etc.)

Article 9.

The flood defense administrator, the head of the flood defense corps and the head of the fire defense organ shall, from time to time, inspect the rivers, coastal levees, etc. within the areas in their change, and when they find any place they deem to be dangerous from the standpoint of flood defense, they shall without delay contact the administrator of the river, coastal levee, etc. concerned to have necessary measures taken.

(Flood Forecast)

Article 10.

When the Director-General of the Meteorological Agency deems that there is danger of a flood or high tide judging from the meteorological or other condition, he shall give notice of the condition to the Minister of Construction and the prefectural governor concerned, and shall also, as occasion demands, make it known to the public by obtaining the cooperation of broadcasting organs, newspapers, news agencies and other information media (hereinafter referred to as "information media").

2. Concerning a river extending over an area involving two or more prefectures or, having a large drainage basin where a flood is liable to cause a serious loss to the national economy, the Minister of Construction shall, when he deems there is danger of a flood, give notice of it jointly with the

Director-General of the Meteorological Agency to the prefectural governors concerned, indicating the water level and the discharge. He shall also, as occasion demands, make it known to the public by obtaining the cooperation of information media.

3. Rivers that come under the provision of the preceding paragraph shall be fixed by the Minister of Construction after consultation with the Minister of Transportation.

(Sending Notice of Flood Forecast)

Article 10-2.

When the prefectural governor receives the notice given him in accordance with the provision of paragraph 1 or 2 of the preceding Article, he shall without delay send notice of the contents of the notice he received to the flood defense administrators and the water gauge administrators (means persons who administer water gauges etc.; hereinafter the same) fixed in the flood defense plan of the prefecture.

(Reporting on Water Level)

Article 10-3.

When the flood defense administrator or the water gauge administrator mentioned in the preceding Article finds for himself that there is danger of a flood or high tide or when he receives the notice sent him in accordance with the provision of the preceding Article, if the water level indicated by water gauges etc. exceeds the "reporting" water level fixed by the prefectural

governor, he shall report the status of the water level to the persons concerned in accordance with the provisions of the flood defense plan of the prefecture.

(Giving Flood Defense Alarm)

Article 10-4.

When the Minister of Construction deems certain rivers, lakes and marshes, or seacoasts to be likely to cause a serious loss to the national economy in case of a flood or high tide, he shall designate them as such and shall issue flood defense alarms for them, and the prefectural governors shall designate such rivers, lakes and marshes, or seacoasts other than those designated by the Minister of Construction as are deemed by them to be likely to cause considerable loss in case of a flood or high tide and shall issue flood defense alarms for them.

2. When the Minister of Construction has issued a flood defense alarm in accordance with the provision of the preceding paragraph, he shall without delay give notice of the contents of the alarm to the prefectural governors concerned.

3. When the prefectural governor has issued a flood defense alarm in accordance with the provision of paragraph 1 or has received a notice given him in accordance with the provision of the preceding paragraph, he shall without delay send notice of the contents of the alarm or notice of the contents of the notice he received, as the case may be, to the flood defense administrators concerned and other organs concerned with flood defense in accordance

with the provisions of the flood defense plan of the prefecture.

4. When the Minister of Construction or the prefectural governor designates rivers, likes and marshes, or seacoasts in accordance with the provision of paragraph 1, he shall make public notification to that effect.

(Dispatching of Flood Defense Corps and Fire Defense Organ Members)

Article 10-5.

When a flood defense alarm has been issued, the flood defense administrator shall, if the water level has reached the warning level fixed by the prefectural governor or if otherwise he deems it necessary from the standpoint of flood defense, dispatch the flood defense corps and fire defense organ members, or have them get ready to go out, in accordance with the provisions of the flood defense plan of the prefecture.

(Traffic Precedence)

Article 11.

When vehicles bearing signs fixed by the prefectural governor go out for flood defense, other vehicles and pedestrians shall make way for them.

(Emergency Passage)

Article 12.

When the head of the flood defense corps, members of the flood defense corps and persons who belong to the fire defense organ proceed to a place which required their presence urgently for flood defense, they may pass through passages not open to general traffic and vacant ground and water

areas not open to public use.

(Flood Defense Signal)

Article 13.

The prefectural governor shall fix the signals to be used for flood defense.

2. No person shall without reason use the flood defense signals of the preceding paragraph or any other signals similar thereto.

(Caution Area)

Article 14.

At a place where flood defense makes it urgently necessary, the head of the flood defense corps, a member of the flood defense corps or a person who belongs to the fire defense organ may establish a caution area and prohibit or restrict the entry of persons other than those connected with flood defense into that area or order such persons to leave the area.

2. At the place provided for in the preceding paragraph, if neither the head of the flood defense corps nor any of the members of the flood defense corps or persons who belong to the fire defense organ is present, or if there is a request from any of these persons, the policeman may exercise the authority of the persons mentioned in the said paragraph.

(Requesting Help of Police)

Article 15.

When the flood defense administrator deems it necessary for flood defense, he may make a request to the chief of the police station to have policemen dispatched.

(Assistance)

Article 16.

In case of urgent necessity for flood defense, the flood defense administrator may request other flood defense administrators, heads of cities, towns and villages, and fire chiefs to give assistance. When any of these persons is asked to give assistance, he shall comply with the request as far as possible.

2. The persons dispatched to give assistance shall, as far as flood defense is concerned, act under the command of the flood defense administrator who requested the assistance.

3. The expenses required for the assistance provided for in paragraph 1 shall be borne by the flood defense administering body which requested the assistance.

4. The amount of the expenses to be borne in accordance with the provision of the preceding paragraph and the method of bearing the expenses shall be fixed by agreement through consultation between the flood defense administering body which requested the assistance and the flood defense

administering body or city, town or village which was requested to give the assistance.

(Flood Defense Obligation of Inhabitants etc.)

Article 17.

The flood defense administrator, the head of the flood defense corps and the head of the fire defense organ may, when there is a compelling necessity, make the inhabitants who live in the area of the flood defense administering body concerned and the people who are at the site of flood defense engage in flood defense.

(Reporting a Collapse)

Article 18.

If an embankment or any other facility collapses when flood defense is carried out, the flood defense administrator, the head of the flood defense corps or the head of the fire defense organ shall without delay report it to the parties concerned.

(Disposition after a Collapse)

Article 19.

When an embankment or any other facility has collapsed, the flood defense administrator, the head of the flood defense corps and the head of the fire defense organ shall endeavor to minimize the damage that may be caused by the overflowing.

(Flood Defense Communication)

Article 20.

All persons shall give cooperation in making it possible to carry out with greatest rapidity any communication which is urgent for flood defense.

2. The Minister of Construction, the prefectural governor, the flood defense administrator, the head of the flood defense corps, the head of the fire defense organ and any person who is acting under the orders of any of them may, for communication which is urgent for flood defense, use the public communication system on priority basis and, also, use the police communication system, meteorological government office communication system, railway communication system, electric enterprise communication system and other exclusive communication systems.

(Public Use of Land etc. and Compensation)

Article 21.

In case of urgent necessity for flood defense, the flood defense administrator, the head of the flood defense corps and the head of the fire defense organ may, at the site of flood defense, temporarily use necessary land, use or expropriate earth and stone, bamboos and trees and other materials, use vehicles and other means of transport, and tools and apparatuses, and dispose of structures and other obstacles.

2. When a person has incurred a loss as a result of an act done under the provision of the preceding paragraph, the flood defense administering body

shall compensate him for it at the market price.

(Evacuation Instructions)

Article 22.

When it is deemed that great danger due to inundation by flood or high tide is imminent, the prefectural governor, the prefectural official who is given the order by the governor, or the flood defense administrator may give instructions for evacuation to the inhabitants of the area for which he deems it is necessary. In case the flood defense administrator gives the instructions, he shall notify the chief of the police station which has jurisdiction over the area to that effect.

(Instructions of Prefectural Governor)

Article 23.

In case of urgent necessity for flood defense, the prefectural governor may give instructions to flood defense administrators, heads of flood defense corps and heads of fire defense organs.

(Instructions of Minister of Construction for Important Rivers)

Article 24.

In case of urgent necessity for flood defense of such rivers involving two or more prefectures as are especially important for maintaining public safety, the Minister of Construction may give instructions to the prefectural governors, flood defense administrators, heads of flood defense corps and heads of fire defense organs concerned.

CHAPTER IV. ORGANIZATION AND ACTIVITIES OF DESIGNATED FLOOD DEFENSE ADMINISTERING BODY

(Flood Defense Plan)

Article 25.

The flood defense administrator of a designated flood defense administering body shall, by referring to the flood defense council of the body, fix its flood defense plan consistent with the prefectural flood defense plan and obtain the approval of the prefectural governor.

(Flood Defense Council)

Article 26.

The designated flood defense administering body shall have a flood defense council in order to make it investigate and deliberate upon the flood defense plan and other important matters concerning flood defense of the designated administering body.

2. The flood defense council of a designated flood defense administering body may offer its opinions concerning flood defense to the organs concerned.

3. The flood defense council of a designated flood defense administering body shall consist of one chairman and members not exceeding twenty-five persons.

4. The post of the chairman shall be held by the flood defense administrator of the designated flood defense administering body. The members

shall be appointed by the flood defense administrator from among the officials of the administrative organs concerned, the representatives of the bodies concerned with flood defense and persons of learning and experience.

5. Necessary matters concerning the flood defense council of a designated flood defense administering body shall be fixed either by regulations (in the case where the body is a city, town or village or a flood defense association) or by resolution of an association meeting (in the case where the body is a flood damage preventive association).

(Standard of Fixed Number of Flood Defense Corps Personnel)

Article 27.

The prefecture may establish by regulations the standard of the fixed number of the personnel of the designated flood defense administering bodies under its jurisdiction.

(Training of Flood Defense Corps)

Article 28.

Each designated flood defense administering body must conduct training of its flood defense corps or corps and fire defense organ or organs every year.

Article 29 ——— Article 31. Deleted.

CHAPTER V. BEARING OF EXPENSES AND SUBSIDIZATION

(Bearing of Expenses by Flood Defense Administering Body)

Article 32.

The expenses needed for flood defense of a flood defense administering body shall be borne by the flood defense administering body.

(Bearing of Expenses by City, Town and Village Benefited)

Article 32-2.

In case the flood defense of a flood defense administering body remarkably benefits a city, town or village other than the cities, towns and villages of the area under the jurisdiction of the flood defense administering body, a part of the expenses needed for the flood defense shall, not withstanding the provision of the preceding Article, be borne by the city, town or village that is remarkably benefited by the flood defense.

2. The amount of the share of the expenses to be borne according to the provision of the preceding paragraph and the method of bearing it shall be fixed by agrrment through consultation between the flood defense administering body that carries out the flood defense and the city, town or village that is remarkably benefited.

3. In case no agreement is reached by the consultation provided for in the preceding paragraph, the flood defense administering body or the city, town or village may apply for intermediation to the governor of the prefecture to which the area belongs.

4. When the prefectural governor intends to make intermediation in compliance with an application made according to the provision of the preceding paragraph, if a flood defense administering body or a city, town or village whose area belongs to another prefecture is included among the parties concerned, he shall consult the governor of the prefecture concerned.

(Bearing of Expenses by Prefecture)

Article 33.

The expenses needed for the office work carried out by the prefecture or the prefectural governor shall be borne by the prefecture concerned.

(Subsidy for Expenses)

Article 33-2.

The prefecture may subsidize a flood defense administering body in connection with the expenses to be borne by it under the provision of Article 32 (bearing of expenses by flood defense administering body).

2. When a prefecture subsidizes a flood defense administering body under the provision of the preceding paragraph, the State may subsidize the prefecture within the limit of half the expenses for constructing the flood defense facility or facilities designated by Cabinet Order built on a river which either extends over two or more prefectures or whose basin is so large that its flooding may seriously affect national economy.

3. The amount of the subsidy which the State extends to a prefecture under the provision of the preceding paragraph shall not exceed one-third the total

expenses needed for construction of the flood defense facility or facilities concerned.

CHAPTER VI. MISCELLANEOUS PROVISIONS

(Accident Compensation of Persons Who Engaged in Flood Defense under Provision of Article 17)

Article 34.

If a person engaging in flood defense dies, is injured or falls ill owing to his engaging in the flood defense, or if he dies or is disabled from injury or illness caused by his engaging in flood defense, the flood defense administering body concerned shall compensate the person or his surviving family or his dependent for the loss brought about by one of these causes, according to the standards fixed by Cabinet Order and according to the provisions of the regulations (in the case where the flood defense administering body is a city, town or village or a flood defense association) or to the resolution of the association meeting (in the case where the flood defense administering body is a flood damage preventive association).

(Conferring of Merit Award)

Article 34-2.

The Minister of Construction may confer a merit award in accordance with the provisions of Ministry of Construction Ordinance to a person who is

deemed to have rendered distinguished service in engaging in flood defense under the command of the flood defense administrator.

(Report)

Article 35.

The Minister of Construction and the Director of the Fire Defense Agency can make the prefectures and flood defense administering bodies submit necessary reports to them concerning flood defense.

2. The prefectural governor can make the flood defense administering bodies in the prefecture submit necessary reports to him concerning flood defense.

(Advice and Suggestion)

Article 35-2.

The Minister of Construction can give necessary advice or suggestion concerning flood defense to any prefecture and to any flood defense administering body, and the governor of a prefecture can do the same to any flood defense administering body within the area of the prefecture.

(Submitting of Material and Entry)

Article 36.

When the governor of a prefecture or the flood defense administrator deems it necessary for preparing the flood defense plan, he may order any of the persons concerned to submit material or data, and make the official in charge, the head of the flood defense corps, a member of the flood defense

corps or a person belonging to the fire defense organ enter any land whose entry is necessary.

2. When the prefectural official in charge, the head of the flood defense corps, a member of the flood defense corps or a person belonging to the fire defense organ enters land whose entry is necessary, he shall carry an identification card with him and show it whenever requested to do so by any of the persons concerned.

(Coordination with Fire Defense)

Article 37.

The flood defense administrator shall previsouly consult the head of the city, town or village about the step to be followed in case the work of flood defense conflicts with the work of fire defense other than the work of flood defense.

CHAPTER VII. PENAL PROVISIONS

Article 38.

Any person who has without justifiable reason broken or removed a tool or apparatus, material or equipment for flood defense under the custody of the flood defense administering body shall be punished with penal servitude not exceeding three years or a fine not exceeding 50,000 yen.

2. The person referred to in the preceding paragraph may be punished with both servitude and a fine according to the circumstances.

Article 39.

Any person who has disobeyed the order of prohibiting or restricting entry or of removing under the provision of Article 14 (caution area) shall be punished with penal servitude not exceeding six months or a fine not exceeding ten thousand (10,000) yen except in the case where the provision of Article 121 of the Penal Code (Law No. 45 of 1907) applies.

Article 40.

Any person falling under one of the following items shall be punished with a fine not exceeding ten thousand (10,000) yen or detention:

1. Person who has without justifiable reason used a tool or apparatus, material or equipment for flood defense placed under the custody of the flood defense administering body or has hindered rightful use of such;

2. Person who has violated the provision of Article 13 paragraph 2 (flood defense signal);

3. Person who has failed to submit the material or data under the provision of Article 36 (presentation of material or data necessary for preparation of flood defense plan, entry of land, etc.) or has submitted a false material or data, or has refused or prevented entry of land under the provision of the same Article.

SUPPLEMENTARY PROVISIONS (EXCERPT)

This Law shall come into force as from the day (August 3, 1949) when sixty days have elapsed counting from the day of its promulgation.

FIRE SERVICE LAW

Law No. 186
July 24, 1948

last revision : June 1, 1974

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Annexed Table

Chapter 1 General Provisions

(Object)
Article 1 The object of this law is to maintain peace and order and promote the public welfare by preventing, guarding against and controlling fire, protecting people's life, person and property from fire and minimizing the damages done by fire, earthquake or other disasters.

(Definition of Terms)
Article 2 Terms used in this law shall be defined as follows.

2 Fire prevention property shall mean forests, vehicles, boats, ships moored at docks or piers, buildings and other structures or their appurtenances.

3 Fire fighting property shall mean forests, vehicles, boats, ships moored at docks or piers, buildings and other structures or articles.

4 Persons concerned shall mean owners, managers or occupants of fire prevention property or fire fighting property.

5 Place concerned shall mean a place where fire prevention property or fire fighting property is located.

6 Boats shall mean ships, boats, barges, tugboats and other vessels which do not come under the provisions of Article 2, par. 1 of the Shipping Safety Law.

7 Hazardous materials shall mean combustible or flammable materials listed on the annexed table.

8 Fire company shall mean a group of firemen or volunteer firemen provided with fire equipment.

9 Ambulance service shall mean transportation by the ambulance company of sick cases or people injured in accidents caused by disasters, in accidents which occurred outdoors or at public assembly places (hereafter called "accidents, etc. by disasters") or in those indoor accidents equal to the accidents, etc. prescribed in the Cabinet order in cases prescribed in the Cabinet order who need to be urgently transported to medical facilities (medical facilities designated in the Welfare Ministry ordinance) or other places.

Note: For "the Home Ministry order", read "the Home Ministry ordinance".

Chapter 2 Fire Prevention

(Order to Remove Obstacles to Fire Prevention or Fire Fighting)

Article 3 Fire Chief (the headman in the city, town or village where there is no fire department, which shall apply hereafter except Chapter 6 and Article 35-3-2), Fire Station Chief or other fire personnel may order the persons whose outdoor actions are considered hazardous in view of fire prevention or the entitled owners, managers or occupants of property which are hazardous to fire prevention or obstructive of fire fighting to take the following necessary measures.

(1) Prohibition or restriction of playing with fire, smoking, making a bonfire, welding and similar acts, and preparation for extinguishing fire when a bonfire is made.
(2) Disposal of residual fire, hot ashes or fire sparks.
(3) Removal or other treatment of hazardous materials or other combustible materials left or placed without authority.
(4) Clearance or removal of articles (except property in the preceding item) left or placed without authority.

2 When Fire Chief or Fire Station Chief cannot give an order to take necessary measures in accordance with the provisions of the preceding par. to the entitled owner, manager or occupant of the property which are considered to be detrimental to fire prevention or obstructive of fire fighting because he cannot find the name and address of such a person, he may have the fire personnel (the volunteer firemen in the city, town or village where there is no fire department) concerned to take the necessary measure prescribed in the preceding par., item (3) or (4). In this case when the fire personnel remove the property, Fire Chief or Fire Station Chief shall reserve them.

3 The provisions in Article 64, par. 3 through 6 of the Disaster Countermeasure Fundamental Law (Law No. 223, 1961) shall apply mutatis mutandis when Fire Chief or Fire Station Chief reserves the property according to the provisions of the preceding par. In the provisions, "the headman of the city, town or village", "structures, etc." and "supervise" shall respectively read "Fire Chief or Fire Station Chief", "articles" and "belong."

(Order to Submit Information, Inspection and Interrogation by Fire Personnel)

Article 4 When it is necessary for fire prevention, Fire Chief or Fire Station Chief may order the person concerned to submit information or request him to make a report, have the fire personnel (the personnel engaged in the fire service of the city, town or village or full-time volunteer firemen where there is no fire department, which shall apply hereafter) enter any workshop, factory, public assembly place or other place concerned and inspect the location, structure, equipments and condition of management of the fire fighting property. However, they shall not enter private homes without the consent of the

person concerned or when there is an urgent need because of the great fear that a fire may break out.

2 The entry, inspection and interrogation provided for in the preceding par. shall be made during the hours as prescribed in the following items, provided that the same shall not apply when the inspection or interrogation is made in a forest, a consent is received from the person concerned of the vehicle, boat, ship moored at dock or pier, building or other structures, or there is an urgent need because of a great fear that a fire may break out.

(1) During the open hours or between dawn and sunset, for theaters, department stores, hotels, restaurants and other public assembly places designated by the municipal ordinance.
(2) During the working hours or between dawn and sunset, for factories, workshops and other places where a large number of people work which are designated in the municipal ordinance.
(3) Between dawn and sunset, for the places other than those prescribed in the two preceding items.

3 When an entry, inspection or interrogation is made between dawn and sunset prescribed in the 3 items of the preceding par. (except the open hours in item (1) and the working hours in item (2)), a more than 48 hours' previous notice shall be given to the person concerned.

4 In entering the place concerned in accordance with the provisions of par. 1, the fire personnel shall show the person concerned an identification card prescribed by the headman of the city, town or village.

5 In entering the place concerned in accordance with the provisions of par. 1, the fire personnel shall not interfere with the work of the person concerned.

6 The fire personnel shall not unnecessarily disclose to others the secrets of the person concerned which they may come to know by entering the place concerned and inspecting or interrogating in accordance with the provisions of par. 1.

(Inspection and Interrogation by Volunteer Firemen)
Article 4-2 When there is a special need for fire prevention, Fire Chief or Fire Station Chief may indicate the fire fighting property and the date or duration of inspection and have volunteer firemen (limited to non-full-time volunteer firemen only in the city, town or village where there is no fire department) in his jurisdiction enter, inspect and interrogate as prescribed in the preceding article, par. 1.

2 The proviso in the preceding article, par. 1 and the provisions in par. 2 through 6 of the same article shall apply to the preceding par.

(Orders of Alteration, Etc. of Fire Prevention Property)
Article 5 When it is considered necessary for fire prevention or dangerous to lives in the event of fire in regard to the location, construction, equipment or state of management of a fire prevention property, Fire Chief or Fire Station Chief may order the competent person concerned (the person concerned and contractor or construction supervisor when it is considered urgently necessary) to alter, move, remove, or prohibit, suspend or restrict the use of the fire prevention property, suspend or discontinue the construction or take other necessary measures, provided that this shall not apply to buildings or other structures whose construction, extension, reconstruction or move is permitted or authorized under other laws or orders and no change has been made in them.

(Duration of Request for Judgement and Presentation of Objection)
Article 5-2 Request for the judgement and presentation of objection against the order prescribed in the preceding par. shall be made within 30 days from the day after receipt of such an order in accordance with the provisions of Article 14, par. 1 or Article 45 of the Administrative Appeal Law (Law No. 160, 1962).

(Duration of Suit for Annulment and Compensation of Loss)
Article 6 The suit for annulment of the order prescribed in Article 5 or the judgement or decision on the presentation of objection against such an order must be filed within 30 days from the day after receipt of such an order, judgement or decision.

2 The duration prescribed in the preceding par. shall be unchangeable.

3 In case a judicial decision is made to annul the order prescribed in Article 5, the loss incurred by such an order shall be compensated at the current price.

4 In case the location, construction, equipment or the state of management of the fire prevention property prescribed in Article 5 does not contravene this law or other laws and orders based on this law, the loss incurred by the order prescribed in the same article shall be compensated at the current price notwithstanding the provisions of the preceding par.

5 Expenses necessary for the compensation to be made in accordance with the preceding two pars. shall be borne by the city, town or village concerned.

(Consent to Building Permit, Etc.)
Article 7 The administrative agency having authority to give permit, approval or certification to the construction, extension, reconstruction, removal, repair, remodelling, use or change in use of a building or the person entrusted by the agency may not do so without the consent of Fire Chief or Fire Station Chief having jurisdiction over the construction site or location of the building concerned with such permit, approval or certification.

2 When Fire Chief or Fire Station Chief receives a request for consent in accordance with the provisions of the preceding par. and finds the plans of the building not to contravene provisions of the laws, orders or ordinances based on the laws concerning the fire protection of buildings, he shall inform the fact to the administrative agency or person entrusted by it within 3 days from the request for consent when affected by Article 6, par. 1, item 4 or Article 87-2 of the Building Standard Law (Law No. 201, 1950), and 7 days from the request for consent in other cases. When Fire Chief or Fire Station Chief finds a reason for not being able to give consent, he shall inform the reason to the administrative agency or person entrusted by it within such periods.

(Fire Protection Manager)

Article 8 The person having authority over the management of a school, hospital, factory, place of business, theater, department store (including a large retail store designated in the Cabinet order as equal to them, which applies hereafter), multi-use fire prevention property (a fire prevention property for two or more uses prescribed in the Cabinet order, which applies hereafter) or other fire prevention property where a large number of people enter, work or live shall designate a fire protection manager from among persons who have the qualifications prescribed in the Cabinet order and have him make a pre-fire plan, conduct fire drills on extinguishing fire, reporting fire and escape according to the plan, inspect and maintain the fire protection equipment, water sources or fire fighting facilities, supervise the use or handling of fire, maintain the escape or fire protection facilities, control the number of persons to be admitted and perform other works necessary for the fire protection management.

2 When the person having authority in the preceding par. designates a fire protection manager, he shall immediately report it to Fire Chief or Fire Station Chief having jurisdiction. This applies when he dismisses the fire protection manager.

3 When Fire Chief or Fire Station Chief finds that a fire protection manager in par. 1 is not designated, he may order the person having authority in the same par. to designate a fire protection manager according to the provisions of the same par.

4 When Fire Chief or Fire Station Chief finds that the works necessary for fire protection management to be performed at the fire prevention property in par. 1 by the fire protection manager in par. 1 are not performed in accordance with the provisions of laws and orders or the pre-fire plan in the same par., he may order the person having authority in the same par. to take necessary measures so that the works be performed in accordance with the provisions of the laws and orders or the pre-fire plan.

(Combined Fire Protection Management)

Article 8-2 Persons having authorities in management over those high-rise buildings (buildings higher than 31 meters, which applies to the next article) and other fire prevention property designated in the Cabinet order over which authorities in management are separate or those underground arcades (those stores, offices and other similar facilities in the underground structure that are installed in succession along the underground passage including the passage, which applies hereafter) over which authorities in management are separate, that are designated by Fire Chief or Fire Station Chief, shall deliberate and prepare the pre-fire plan and decide other matters concerning the works necessary for the fire protection management that are prescribed in the Home Ministry order.

2 When the persons having authority in the preceding par. decide the matters prescribed in the Home Ministry order in the same par., they shall immediately report it to Fire Chief or Fire Station Chief having jurisdiction. This applies when a change is made in the same matters.

3 When Fire Chief or Fire Station Chief finds that the matters prescribed in the Home Ministry order in par. 1 are not decided, he may order the person having authority in the same par. to decide the same matters in accordance with the provisions of the same par.

(Flame Retarding Treatment of Curtain, Etc.)

Article 8-3 The flame retardant articles (drapery, curtain, plywood for exhibition and similar articles that are prescribed in the Cabinet order, which applies hereafter) to be used in high-rise buildings or underground arcades or theaters, cabarets, hotels, hospitals and other fire prevention property prescribed in the Cabinet order shall have flame retardancy above the standard set by the Cabinet order.

2 An indication of flame retardancy in the preceding par. may be attached to flame retardant articles or their materials having flame retardancy in the same par. in accordance with the provisions of the Home Ministry order.

3 Except for attaching an indication to flame retardant articles or their materials in accordance with the provisions in the preceding par. or attaching them an indication concerning flame retardancy of flame retardant articles or their materials in accordance with the provisions of the Industrial Standardization Law (Law No. 185, 1949) or other laws prescribed in the Cabinet order as are designated in the Home Ministry order (called "designated indication" hereafter in this article), no person shall attach an indication in the same par. or an indication that can be misled with it.

4 Flame retardant articles or their materials shall not be sold or displayed for sale as flame retardant articles unless an indication in par. 2 or a designated indication is attached.

5 When the persons concerned with fire prevention property in par. 1 have the flame retardant articles or their materials to be used in such fire prevention property treated for flame retardancy or the curtains and other flame retardant articles made with the cloth or other materials attached to by an indication in par. 2 or a designated indication, they shall make it clear to that effect according to the provisions of the Home Ministry order.

(Use of Fire Prescribed by Municipal Ordinance)
Article 9 The location, structure and management of furnaces, bathrooms and other fire-using facilities which are liable to cause fire when in use or otherwise and the handling of portable cooking-furnaces, foot warmers or other fire-using appliances which are liable to cause fire when in use or otherwise and other matters necessary for fire prevention shall be prescribed by the municipal ordinance.

(Reporting, Etc. of Storing and Handling of LPG, Etc.)
Article 9-2 The person who stores or handles pressurized acetylene gas, LPG or other materials which are liable to cause serious obstruction to fire prevention or fire fighting that are prescribed in the Cabinet order shall report the fact beforehand to Fire Chief or Fire Station Chief having jurisdiction, provided that the same shall not apply in case they are stored or handled on ships, automobiles, airplanes, railroads or tracks or other cases prescribed in the Cabinet order.

2 The provisions of the preceding par. shall apply mutatis mutandis when the storing or handling in the same par. is discontinued.

(Technical Standards of Hazardous Materials, Etc. Prescribed by Municipal Ordinance)
Article 9-3 The technical standards on the storing and handling of hazardous materials less than the quantities designated in the annexed table (hereafter called "designated quantities"), oil cakes and other combustible materials prescribed as quasi-hazardous materials in the Cabinet order or straw products, excelsior and similar articles which spread fire quickly or largely hamper fire fighting once fire starts in them shall be prescribed by the municipal ordinance.

Chapter 3 Hazardous Materials

(Limitation of Storing and Handling of Hazardous Materials)
Article 10 Hazardous materials more than the designated quantities shall not be stored except in storages (including the storages fixed on vehicles where hazardous materials are stored or handled, which applies hereafter) or handled except in factories, storages or handling places, provided that the same shall not apply when hazardous materials more than the designated quantities are temporarily stored or handled for not more than ten days with the approval of Fire Chief or Fire Station Chief having jurisdiction.

2 When two or more hazardous materials different in item listed in the annexed table are stored or handled at the same place, divide the quantity of each hazardous material by the respective designated quantity, and if the sum of the quotients exceeds 1, such a place shall be regarded as storing or handling hazardous materials more than the designated quantity.

3 The storing and handling of hazardous materials at the factories, storages and handling places shall be performed in accordance with the technical standards set by the Cabinet order.

4 The technical standards on the location, construction and equipment of the factory, storage or handling place shall be prescribed by the Cabinet order.

(Permission, Etc. of Establishment and Change of Factory, Etc.)

Article 11 The person who intends to establish a factory, storage or handling place shall obtain, in accordance with the provisions of the Cabinet order, permission of the persons prescribed in the following items for each factory, storage or handling place according to the classification of the same items. This applies to the person who intends to change the location, structure or facilities of the factory, storage or handling place.

(1) Headman of the city, town or village concerned when the factory, storage or handling place designated in the Cabinet order (excluding the places where hazardous materials are transported by piping (hereafter called "transporting places")) is installed in the area of the city, town or village where there are a fire department and fire stations (called "the city, town or village with a fire department, etc." in the following items (2) and (3)).

(2) Governor of To, Do or Prefecture having jurisdiction over the area when the factory, storage or handling place (except the transporting place) is installed in the area of the city, town or village other than the city, town or village with a fire department, etc.

(3) Headman of the city, town or village concerned when the transporting place is installed in the area of the city, town or village with a fire department, etc. in item (1).

(4) Governor of To, Do or Prefecture having jurisdiction over the area when the transporting place other than the one in the preceding item is installed (Home Minister, when the transporting place covering two or more To, Do and/or Prefectures is installed).

2 When the headman of the city, town or village, Governor of To, Do or Prefecture or Home Minister (called "headman of the city, town or village, etc. hereafter in this chapter) receives an application for permission in accordance with the provisions of the preceding par., he shall give permission if the location, structure and facilities of the factory, storage or handling place meet the technical standards in the preceding article, par. 4.

3 When the Home Minister intends to give permission concerning the transporting place in accordance with the provisions of par. 1. item 4, he shall inform it to Governor of To, Do or Prefecture concerned. In this case, the Governor may give his opinions to the Home Minister.

4 The headman of the city, town or village concerned may give his opinions to the Governor concerned or the Home Minister regarding the permission of the transporting place under the provisions of par. 1, item 4.

5 When the person who has received the permission in accordance with the provisions of par. 1 installs the factory, storage or handling place or changes the location, construction and/or equipment of the factory, storage or handling place, he shall have the inspection at the time of completion of the factory, storage or handling place made by the headman of the city, town or village, and until after the location, structure and facilities are approved to be up to the technical standards in the preceding article, par. 4 he shall not use it. However, when he changes the location, structure or facilities of the factory, storage or handling place, if he has received an approval from the headman of the city, town or village of all or part of the portion other than that which is involved in such change of the factory, storage or handling place, he may temporarily use the approved portion even before undergoing an inspection at the time of completion.

6 When the factory, storage or handling place is sold or transferred, the purchaser or the person who receives it shall succeed the post of the person who received the permission in accordance with the provisions of par. 1. In this case, the person who succeeds to the post of the person who received the permission in accordance with the provisions of the same par. shall immediately report it to the headman of the city, town or village.

7 When the headman of the city, town or village, etc. gives permission prescribed in par. 1 (except those permissions prescribed in the latter part of par. 1 that concern light matters designated in the Home Ministry order) concerning the factory, storage or handling place prescribed in the Cabinet order, he shall report it to the National Public Safety Commission, the Public Safety Commission of To, Do or Prefecture or Director General of the Maritime Safety Agency in accordance with the provisions of the Cabinet order.

(Report of Change in Kinds, Etc. of Hazardous Materials)
Article 11-2 The person who intends to change the kind or quantity of the hazardous materials which are stored or handled in the factory, storage or handling place without changing the location, structure or facilities of such factory, storage or handling place shall report it to the headman of the city, town or village not less than 10 days before he makes the change.

2 The provisions of the preceding article, par. 7 shall apply mutatis mutandis to the case where a report in the preceding par. is made concerning the factory, storage or handling place prescribed in the same provisions.

(Order of Headman of City, Town or Village, Etc. Concerning Storing, Etc.)

Article 11-3 When the headman of the city, town or village, etc. notices that the storing or handling of hazardous materials carried on at the factory, storage or handling place violates the provisions of Article 10, par. 3, he may order the owner, manager or occupant of the factory, storage or handling place to store or handle the hazardous materials in accordance with the technical standards of the same par.

(Maintenance of Technical Standards of Factory, Etc.)

Article 12 The owner, manager or occupant of the factory, storage or handling place shall maintain it so that its location, structure and facilities meet the technical standards of Article 10, par. 4.

2 When the headman of the city, town or village, etc. notices that the location, structure and facilities of the factory, storage or handling place do not meet the technical standards in Article 10, par. 4, he may order the owner, manager or authorized occupant of the factory, storage or handling place to repair, remodel or remove it so that they will meet the technical standards.

(Suspension of Use of Factory, Etc.)

Article 12-2 In case the owner, manager or occupant of the factory, storage or handling place falls under any of the following items, the headman of the city, town or village, etc. may order him to stop the use of the factory, storage or handling place for a fixed period.

(1) In case he changes the location, structure or facilities of the factory, storage or handling place without permission in accordance with the provisions of Article 11, par. 1.
(2) In case he uses the factory, storage or handling place in violation of the provisions of Article 11, par. 5.
(3) In case he violates the order prescribed in Article 11-3.
(4) In case he violates the order prescribed in Article 12, par. 2.
(5) In case he violates the provisions of Article 13, par. 1.
(6) In case he violates the provisions of Article 14-3.

(Suspension and Restriction of Use in time of Emergency at Factory Etc.)

Article 12-3 When the headman of the city, town or village, etc. considers that there is an emergent need for the maintenance of public safety or prevention of the outbreak of a disaster, he may order the owner, manager or occupant of the factory, storage or handling place to temporarily suspend its use, or may restrict its use.

(Request of Headman of City, Town or Village to Governor, Etc.)
Article 12-4 When the headman of the city, town or village concerne considers that the installation or maintenance of the transportin place to be permitted by Governor of To, Do or Prefecture or the Home Minister (hereafter called "Governor, etc." in this article) in accordance with the provisions of Article 11, par. 1, item 4 or handling of hazardous materials at the same transporting place is liable to cause a disaster, he may request the Governor, etc. concerned to take necessary measures.

2 Upon receipt of the request in the preceding item, Governor, etc. shall make the necessary investigation, and as a result in case he considers it necessary he shall take the measures prescribed in Article 11-3, Article 12, par. 2 or Article 12-3 or other necessary measures.

3 When Governor, etc. takes the measures specified in the preceding par., he shall immediately report it to the headman of the city, town or village concerned.

(Consultation of Owner, Etc. with Headman of City, Town or Village Concerned)
Article 12-5 The owner, manager or occupant of the transporting place prescribed in the Cabinet order shall previously consult with the headman of the city, town or village concerned in regard to the emergency measures to be taken in case of the leakage of hazardous materials or other accident at the transport ing place, creating a dangerous situation.

(Disuse of Factory, Etc.)
Article 12-6 When owner, manager or occupant of a factory, storage or handling place disuses the factory, storage or handling place, he shall report it to the headman of the city, town or village without delay.

(Hazardous Materials Engineers)
Article 13 The owner, manager or occupant of a factory, storage or handling place prescribed in the Cabinet order shall designate a person who supervises the safe handling of hazardous materials (hazardous materials supervisor) from among Class A hazardous materials engineers (persons who possess a Class A hazardous materials engineer's license, which applies hereafter) or Class B hazardous materials engineers (persons who possess a Class B hazardous materials engineer's license, which applies hereafter) and have him supervise the safe handling of hazardous materials which he is qualified to handle in accordance with the order.

2 When the owner, manager or occupant of the factory, storage or handling place designates a hazardous materials supervisor in accordance with the provisions of the preceding par., he shall report it to the headman of the city, town or village without delay. This shall apply, when he dismisses the hazardous materials supervisor.

3 At the factory, storage or handling place, no persons other than the hazardous materials engineers shall handle hazardous materials without the attendance of a Class A hazardous materials engineer or Class B hazardous materials engineer.

(Hazardous Materials Engineer's Licenses)
Article 13-2 Hazardous materials engineer's licenses shall be classified into Class A hazardous materials engineer's license, Class B hazardous materials engineer's license and Class C hazardous materials engineer's license.

2 The kinds of hazardous materials which the hazardous materials engineers can handle and those which Class A hazardous materials engineer and Class B hazardous materials engineer can attend the handling of shall be prescribed by the Home Ministry order according to the kinds of hazardous materials engineer's licenses prescribed in the preceding par.

3 The hazardous materials engineer's license shall be issued to the persons who passed the examination for hazardous materials engineer's license conducted by Governor of To, Do or Prefecture (hereafter called "the examination for hazardous materials engineer's license").

4 Governor of To, Do or Prefecture may not issue the hazardous materials engineer's license to the person who falls under any of the following items.

(1) The person who was ordered to return his hazardous materials engineer's license in accordance with the provisions of the following par., and one year has not passed since that day inclusive.
(2) The person who was sentenced to a fine or heavier penalty in violation of the provisions of this law or the order based on this law, and 2 years has not passed since the day inclusive when its execution was finished or became unnecessary.

5 In case a hazardous materials engineer violates the provisions of this law or the order based on this law, Governor of To, Do or Prefecture may order him to return the hazardous materials engineer's license.

6 Besides the matters prescribed in the preceding five pars., renewal and reissue of the hazardous materials engineer's license and other necessary matters concerning the hazardous materials engineer's licenses shall be prescribed by the Cabinet order.

(Examinations for Hazardous Materials Engineer's Licenses)
Article 13-3 The examinations for hazardous materials engineer's licenses shall be conducted on the knowledge and techniques concerning security in the handling works of hazardous materials.

2 The kinds of examinations for hazardous materials engineer's licenses shall be the examination for Class A hazardous materials engineer's license, the examination for Class B hazardous materials engineer's license and the examination for Class C hazardous materials engineer's license.

3 The examinations for hazardous materials engineer's licenses prescribed in the preceding par. shall be conducted by Governor of To, Do or Prefecture not less than once every year.

4 The person who falls under any of the following items shall be eligible for taking the examination for Class A hazardous materials engineer's license.

(1) The person who graduated the university, junior college or higher college under the School Education Law (Law No. 26, 1947) after finishing a subject or course of chemistry or who is recognized as having equal or greater scholastic ability by Governor of To, Do or Prefecture, and has an experience of handling hazardous materials for more than 6 months.
(2) The person who has an experience of handling hazardous materials for more than 2 years after receiving a Class B hazardous materials engineer's license.

5 The person who has an experience of handling hazardous materials for more than 6 months is eligible for taking the examination for Class B hazardous materials engineer's license.

6 Besides the matters prescribed in the preceding pars., the subjects of examinations for hazardous materials engineer's licenses, procedures for taking the examinations and other particulars for conducting the examinations shall be prescribed by the orders.

(Examining Body for Hazardous Materials Engineer's Licenses)
Article 13-4 An examining Body for hazardous materials engineer's licenses shall be established in To, Do or Prefecture to conduct the examinations for hazardous materials engineer's licenses prescribed in the preceding article, par. 1.

2 The organization, members' tenure of office and other matters concerning the examining body for hazardous materials engineer's licenses in the preceding par. shall be prescribed by the ordinance of To, Do or Prefecture.

(Hazardous Materials Engineers' Responsibility to Take Training)
Article 13-5 Hazardous materials engineers who engage in handling hazardous materials at the factory, storage or handling place shall take the training on security in handling hazardous materials conducted by Governor of To, Do or Prefecture (including the headman of the city, town or village or other authorities designated by the Home Minister) in accordance with the Home Ministry order.

(Hazardous Materials Facilities Security Man)
Article 14 The owner, manager or occupant of the factory, storage or handling place prescribed in the Cabinet order shall designate a hazardous materials security man and have him perform the security works concerning the structure and facilities of the factory, storage or handling place in accordance with the orders.

(Fire Prevention Regulations)
Article 14-2 In order to prevent fire at the factory, storage or handling place prescribed in the Cabinet order, its owner, manager or occupant shall establish the fire prevention regulations on the matters prescribed in the Home Ministry order and receive an approval from the headman of the city, town or village. This shall apply when a change is made in the fire prevention regulations.

2 When the headman of the city, town or village notices that the fire prevention regulations do not meet the technical standards in Article 10, par. 3, or else they are inadequate for fire prevention, he shall not issue the approval prescribed in the preceding par.

3 When the headman of the city, town or village considers it necessary for fire prevention, he may give an order to make a change in the fire prevention regulations.

(Security Inspection of Transporting Place)
Article 14-3 The owner, manager or occupant of the transporting places prescribed in the Cabinet order shall receive a security inspection conducted by the headman of the city, town or village, etc. at the periods prescribed by the Home Ministry order.

(Responsibility to Establish Works Fire Brigade)
Article 14-4 The person who owns, manages or occupies factories, storages or handling places prescribed in the Cabinet order in one establishment where hazardous materials more than the quantity designated by the Cabinet order are stored or handled shall establish a works fire brigade in the establishment.

(Structure and Facilities of Projection Room and Report of Screening)
Article 15 The projection room installed in buildings and other structures where non-slow-burning films are screened shall have the structure and facilities in accordance with the technical standards set by the Cabinet order.

(Transportation of Hazardous Materials)
Article 16 Transportation of hazardous materials shall be performed in accordance with the technical standards on the containers, methods of loading and transportation set by the Cabinet order.

(Requirements during Transportation of Hazardous Materials)
Article 16-2 Transportation of hazardous materials by a mobile storage (a tank fixed on wheels where hazardous materials are store or handled, which applies hereafter) shall be performed with the attendance of a hazardous materials engineer who is qualified to handle them.

2 The hazardous materials engineer in the preceding par. shall observe the standards on the transportation of hazardous materials by a mobile storage set by the Cabinet order and pay close attention to preserve security of the hazardous materials.

3 While the hazardous materials engineer is riding in the mobile storage transporting hazardous materials in accordance with the provisions of par. 1, he shall carry with him the hazardous materials engineer's license.

(Emergency Procedures in case of Accident)
Article 16-3 In case leakage of hazardous materials or other accident happens at the factory, storage or handling place, creating a dangerous situation, the owner, manager or occupant thereof shall immediately take emergency procedures to prevent a disaster.

2 The person who finds the situation specified in the preceding par. shall immediately report it to the fire station, the place designated by the headman of the city, town or village, the police station or a coast guard rescue organ.

(Commission)
Article 16-4 The person who intends to receive approval for temporarily storing or handling hazardous materilas, permission for installation or change of the factory, storage or handling place, an inspection at the time of completion of the factory, storage or handling place (including approval in the proviso of Article 11, par. 5), an examination for hazardous materials engineer's license, issue, renewal or reissue of the hazardous materials engineer's license, a training on security in the handling of hazardous materials or an inspection on the security of the handling place shall pay the commission in accordance with the provisions of the Cabinet order.

(Submittance of Information, Inspection, Etc.)
Article 16-5 When the headman of the city, town or village, etc. considers it necessary for the prevention of fire in connection with the storing or handling of hazardous materials, he may tell the owner, manager or occupant of any place where hazardous materials more than the designated quantity (called "storage, etc." hereafter in this par.) are found stored or handled to submit information or report, or have personnel who are engaged in the fire service enter the storage, etc., make an inspection or interrogate the persons concerned on the location, structure or facilities and the storing or handling of hazardous materials of such a place or confiscate the least necessary amount of the hazardous materials or materials suspected to be hazardous materials for making tests.

2 When the fire department personnel or policemen consider it especially necessary for the prevention of fire in connection with the transportation of hazardous materials, they may stop the running mobile storage and request the hazardous materials engineer on it to present his hazardous materials engineer's license. In this case when the fire department personnel and policemen perform their duties, they shall maintain a close liaison with each other.

3 The provisions in Article 4, par. 4 through par. 6 shall apply to the two preceding pars.

(Order to Remove, Etc. of Hazardous Materials)
Article 16-6 The headman of the city, town and village may order the person who stores or handles hazardous materials more than the designated quantity without receiving approval in the proviso of Article 10, par. 1 or permission in accordance with the provisions of the former part of Article 11, par. 1 to remove the hazardous materials which are stored or handled or take other necessary measures to prevent a disaster by the hazardous materials.

(Change of Fire Authorities and Effect of Administrative Disposition)
Article 16-7 When a change is made in fire authorities prescribed in Article 11 through Article 11-3, Article 12, par. 2. Article 12-2 through Article 12-4, Article 12-6, Article 13, par. 2, Article 14-2, par. 1 and par. 3, Article 14-3 and Article 16-6 in the areas of the city, town or village because of the new establishment or disbandment of the fire department and fire stations or partitioning, annexation or change in borders of cities, towns or village, the permission or other disposition made by the fire authority or the report received by it before such a change shall be regarded as the permission or other disposition made or report received by the fire authority after the change.

(Entrusting of Authority)
Article 16-8 The Home Minister may entrust a part of the authority prescribed in this chapter to Governor of To, Do and Prefectures or the headman of the city, town and village in accordance with the provisions of the Cabinet order.

(Exception in Application)
Article 16-9 The provisions in this chapter shall not apply to the storing, transportation, refilling and other handling of hazardous materials by airplane, ship, railroad and tracks.

Chapter 4 Fire Protection Equipment, Etc.

(Installation and Maintenance of Fire Protection Equipment, Etc.)
Article 17 The person concerned with a school, hospital, factory, place of business, theater, department store, inn, restaurant, underground arcade, multi-use fire prevention property or other fire prevention property designated in the Cabinet order shall install and maintain the fire protection equipment, water source and other facilities necessary for fire fighting designated in the Cabinet order (hereafter called "fire protection equipment, etc.") in accordance with the technical standards set by the Cabinet order.

2 When the city, town or village considers that the purpose of fire protection cannot be fully attained with the provisions of only the Cabinet order concerning the technical standards on fire protection equipment, etc. in the preceding par. or other orders based thereon because of the particularity of local climate, it may stipulate provisions in the municipal ordinance which are different from those of the Cabinet order or other orders based thereon.

(Exceptions in Application of Standards on Fire Protection Equipment, Etc.)
Article 17-2 In enforcing or applying the provisions of the Cabinet order concerning the technical standards on fire protection equipment, etc. in the preceding article, par. 1 or other orders based thereon or the municipal ordinance based on the provisions in the same article, par. 2, when the fire protection equipment, etc. (except fire extinguishers, escape equipment and others prescribed in the Cabinet order, which applies hereafter to this article and the next article) in the existing fire prevention property in the same article, par. 1 or the fire protection equipment, etc. in the fire prevention property in the same article, same par. which are under new construction, addition, reconstruction, removal, repair or remodelling, do not conform to these provisions, these provisions shall not apply to the fire protection equipment, etc. concerned. In this case, the previous provisions concerning the technical standards on fire protection equipment, etc. shall apply.

2 The provisions in the preceding par. shall not apply to those fire protection equipment, etc. which fall under any of the following items.

(1) Fire protection equipment, etc. in the fire prevention property in the preceding article, par. 1 which violate the provisions of the same article, same par. when the provisions of the Cabinet order concerning the technical standards on fire protection equipment, etc. in the preceding article, par. 1 or other orders based thereon or the municipal ordinance in the same article, par. 2 are applied after a revision is made by law or order of the Cabinet order or other orders based thereon or the municipal ordinance (including institution of a Cabinet order or

other orders based thereon or a municipal ordinance which correspond to the Cabinet order or other orders based thereon or the municipal ordinance as soon as the latter is abolished) because the said fire protection equipment, etc. do not conform to the former provisions that correspond to the said provisions.

(2) Fire protection equipment, etc. in the fire prevention property in the preceding article, par. 1 of which addition, reconstruction, large repair or remodelling prescribed in the Cabinet order started after enforcement or application of the provisions of the Cabinet order concerning the technical standards on fire protection equipment, etc. in the preceding article, par. 1 or other orders based thereon or the municipal ordinance in the same article, par. 2.

(3) Fire protection equipment, etc. in the fire prevention property in the preceding article, par. 1 which came to conform to the provisions of the Cabinet order concerning the technical standards on fire protection equipment, etc. in the same article, par. 1 or other orders based thereon or the municipal ordinance based on the provisions of the same article, par. 2.

(4) Besides the fire protection equipment, etc. mentioned in the preceding 3 items', those in the department store, hotel, hospital, underground arcade and multi-use fire prevention property (limited to those prescribed in the Cabinet order) and those fire prevention property in the same article, par. 1 which are designated in the Cabinet order as public assembly places (hereafter called "specific fire prevention property") that exist or those of specific fire prevention property that are under new construction, additon, reconstruction, repair or remodelling at the time of enforcement or application of the provisions of the Cabinet order concerning the technical standards on fire protection equipment, etc. in the preceding article, par. 1 or other orders based thereon or the municipal ordinance based on the provisions of the same article, par. 2.

(Same as Preceding Article)

Article 17-3. Besides the cases prescribed in the preceding article, if the fire protection equipment, etc. in the fire prevention property in Article 17, par. 1 come to inconform to the provisions of the Cabinet order concerning the technical standards on the fire protection equipment, etc. in the same article, same par. or other orders based thereon or the municipal ordinance based on the provisions of the same article, par. 2 because a change in use is made of the fire prevention property, the said provisions shall not apply to the said fire prevention property. In this case, the provisions concerning the technical standards on fire protection equipment in the said fire prevention property prior to the change in use shall apply.

2 The provisions in the preceding par. shall not apply to the fire protection equipment, etc. that fall under any of the following items.

(1) The fire protection equipment, etc. in the fire prevention property in Article 17, par. 1 which violate the provisions of the same article, par. 1 when a change in use is made of the said fire prevention property because the said fire protection equipment, etc. do not conform to the provisions of the Cabinet order concerning the technical standards on the fire protection equipment, etc. in the same article, same par. or other orders based thereon or the municipal ordinance based on the provisions of the same article, par. 2 in regard to the fire protection equipment, etc. in the said fire prevention property prior to a change in use thereof.

(2) The fire protection equipment, etc. in the fire prevention property in Article 17, par. 1 to which addition, reconstruction, large repair or remodelling prescribed in the Cabinet order has started after a change in use is made of the said fire prevention property.

(3) The fire protection equipment, etc. in the fire prevention property in Article 17, par. 1 that come to conform to the provisions of the Cabinet order concerning the technical standards on fire protection equipment, etc. in the same article, same par. or other orders based thereon or the munic ordinance based on the provisions of the same article, par. 2

(4) Besides the fire protection equipment, etc. mentioned in the 3 preceding items, the fire protection equipment, etc. in the specific fire prevention property which has became as such after a change in use is made of the fire prevention property in Article 17, par. 1.

(Inspection in Connection with Installation of Fire Protection Equipment, Etc.)

Article 17-3-2 When the person concerned with the specific fire prevention property or other property designated in the Cabinet order among the fire prevention property in Article 17, par. 1 installs the fire protection equipment, etc. (except those designated in the Cabinet order) which have to be installed in accordance with the technical standards set by the Cabinet order in the same par. or other orders based thereon or the municipal ordinance based on the provisions in the same article, par. 2 (in case of application to the provisions in the former part of Article 17-2, par. 1 or those in the former part of the preceding article, par. 1, the technical standards to be applied in accordance with respectively the provisions of the latter part of Article 17-2, par. 1 or those of the latter part of the preceding article, par. 1 called "technical standards on fire protection equipment, etc." hereafter), he shall report it to Fire Chief or Fire Station Chief and receive an inspection in accordance with the provisions of the Home Ministry order.

(Inspection and Report on Fire Protection Equipment, Etc.)
Article 17-3-3 The person concerned with the fire prevention property designated by the Cabinet order among the fire prevention property in Article 17, par. 1 (except the fire prevention property excluded in the Cabinet order) shall have a person who has a fire protection engineer's license or a person who has the qualifications approved by the Home Minister make a regular inspection of the fire protection equipment, etc. of the fire prevention property in accordance with the provisions of the Home Ministry order, and the person concerned with the other fire prevention property shall himself make such an inspection, and both persons concerned shall report the results of inspection to Fire Chief or Fire Station Chief.

(Order to Take Measures in Connection with Fire Protection Equipment, Etc.)
Article 17-4 When Fire Chief or Fire Station Chief considers that the fire protection equipment, etc. are not installed or maintained in the fire prevention property in Article 17, par. 1 in accordance with the technical standards on fire protection equipment, etc., he may order the competent person concerned with the said fire protection property to install them in accordance with the said technical standards on fire protection equipment, etc. or take necessary measures for their maintenance.

(Restriction on Works by Person without Fire Protection Engineer's License)
Article 17-5 The person without a fire protection engineer's license shall not perform the work of installation or maintenance on the fire protection equipment, etc. to be installed in accordance with the technical standards on fire protection equipment, etc. in Article 10, par. 4 which are prescribed in the Cabinet order.

(Kinds of Fire Protection Engineer's Licenses)
Article 17-6 The kinds of fire protection engineer's licenses shall be Class A fire protection engineer's license and Class B fire protection engineer's license.

2 The kinds of works of installation or maintenance which the person with a Class A fire protection engineer's license (hereafter called "Class A fire protection engineer") can perform and the kinds of works of maintenance which the person with a Class B fire protection engineer's license (hereafter called "Class B fire protection engineer") can perform shall be prescribed by orders according to the kinds of the fire protection engineer's license.

(Same as in the Preceding Article)
Article 17-7 The fire protection engineer's license shall be issued by Governor of To, Do or Prefecture to the person who passed the examination for fire protection engineer's license conducted by Governor of To, Do or Prefecture.

2 The provisions in Article 13-2, par. 4 though 6 shall apply mutatis mutandis to the fire protection engineer's licenses.

(Examinations for Fire Protection Engineer's Licenses)
Article 17-8 The examinations for fire protection engineers' licenses shall be conducted on the necessary knowledge and techniques concerning installation and maintenance of fire protection equipment, etc.

2 The kinds of examinations for fire protection engineer's licenses shall be the examination for Class A fire protection engineer's license and the examination for Class B fire protection engineer's license.

3 No person other than those who fall under any of the following items shall be eligible for taking the examination for Class A fire protection engineer's license.

(1) The person who graduated from the high school under the School Education Law or the middle school under the former Middle School Imperial Ordinance (Imperial Ordinance No. 36, 1943) after finishing the course of machinery, electricity, industrial chemistry or architecture.
(2) The person who has a more than 2 years' experience in the maintenance of fire protection equipment, etc. (limited to the ones prescribed in the Cabinet order based on the provisions in Article 17-5) after receiving a Class B fire protection engineer's license.
(3) The person approved in accordance with the provisions of orders by Governor of To, Do or Prefecture as having the knowledge and techniques equal to or above those mentioned in the preceding items.

4 Besides the matters prescribed in the preceding 3 pars., the subjects of examinations for fire protection engineer's licenses, procedures for taking examinations and other particulars for conducting the examinations shall be prescribed by the orders.

(Fire Protection Engineers' Responsibility to Take Training)
Article 17-8-2 The fire protection engineers shall take the training on installation or maintenance conducted by Governor of To, Do or Prefecture in accordance with the Home Ministry order.

(Same as Preceding Article and Commission)
Article 17-9 The person who intends to take the examination for fire protection engineer's license, receive issue, renewal or reissue of the fire protection engineer's license or take a training on installation or maintenance of fire protection equipment, etc. shall pay the commission in accordance with the Cabinet order.

(Duties of Fire Protection Engineers)
Article 17-10 The fire protection engineers shall faithfully perform their duties and endeavor to improve the quality of fire protection equipment, etc.

(Bearing of Fire Protection Engineer's License)
Article 17-11 The fire protection engineers shall bear the fire protection engineer's license during the execution of their duties.

(Reporting of Installation Works)
Article 17-12 When the Class A fire protection engineer intends to perform the works prescribed in the Cabinet order based on the provisions of Article 17-5, he shall report the kinds of fire protection equipment, etc., site of works and other necessary information to Fire Chief or Fire Station Chief in accordance with the provisions of the orders not less than 10 days before starting the works.

(Prohibition of Unlawful Use of Fire Protection Equipment, Etc. or Fire Service Signals)
Article 18 No person shall unlawfully use, damage, remove or obstruct the proper use of the fire alarm system, fire hydrant, fire cistern, fire watch tower or fire bell tower.

2 No person shall unlawfully use the fire service signals prescribed in the orders or similar signals.

Article 19 Deleted

(Fire Department Water Source Facilities)
Article 20 The standards on fire department water sources shall be recommended by the Fire Defense Agency.

2 The fire department water source facilities shall be installed, maintained and managed by the city, town or village concerned. However, the water lines shall be installed, maintained and managed by the waterworks manager of the city, town or village.

(Designation of Fire Department Water Sources, Signs and Reporting of Change, Etc. of Water Sources)
Article 21 Fire Chief or Fire Station Chief may designate ponds, fountains, wells, water cisterns and other water sources available for fire fighting as the fire department water sources with consent of their owner, manager or occupant and maintain them in a serviceable condition.

2 Fire Chief or Fire Station Chief shall put up, as prescribed in orders, signs at the fire department water sources designated in accordance with the provisions of the preceding par.

3 The person who intends to change, remove or make in an unserviceable condition the water sources in par. 1 shall report it beforehand to Fire Chief or Fire Station Chief having jurisdiction.

Article 21-2 through Article 21-51 Testing of Fire Protection Equipment, Etc. (Omitted)

Chapter 5 Guarding against Fire

(Weather Conditions and Fire Warning)
Article 22 When Director General of the Japanese Meteorological Agency, Director of a district meteorological observatory, Director of the Okinawa District Meteorological Observatory, Director of a local meteorological observatory or Chief of a weather station considers that the weather conditions are dangerous for the prevention of fire, he shall immediately inform the weather conditions to Governor of To, Do or Prefecture having jurisdiction over the area.

2 Upon receipt of the information stipulated in the preceding par., Governor of To, Do or Prefecture shall transmit it to the headman of the city, town or village.

3 Upon receipt of the information in the preceding par., or when the weather conditions are considered to be dangerous for the prevention of fire, the headman of the city, town or village may issue a fire warning.

4 When the fire warning has been issued in accordance with the provisions of the preceding par., the people in the area of the city, town or village shall observe the provisions restricting the use of fire prescribed in the municipal ordinance until the fire warning is released.

(Restriction of Bonfire and Smoking)
Article 23 When the headman of the city, town or village considers it especially necessary for guarding against fire, he may restrict bonfires and smoking in a certain area for a specified period.

(Area to be Guarded against Fire)
Article 23-2 When Fire Chief or Fire Station Chief considers that leaked, scattered or flowed out gas, gunpowder or hazardous materials threaten to cause fire, which once occurrs there is a fear of inflicting great damages to life or property, he may establish a fire guard area, prohibit the use of fire in the area, tell people other than those who are prescribed in the order to leave or prohibit or restrict to enter the area.

2 In case of the preceding par., when Fire Chief or Fire Station Chief, or fire department personnel or volunteer firemen entrusted by him to exercise his authority are not at the scene, or when requested by Fire Chief or Fire Station Chief, Police Station Chief may exercise the said authority. In this case, when Police Station Chief has exercised the said authority, he shall immediately inform the fact to Fire Chief or Fire Station Chief.

Chapter 6 Fire Fighting

(Responsibility to Report Fire and Cooperate)
Article 24 The discoverer of fire shall lose no time in reporting fire to the fire station or the place ~~disgnated~~ designated by the headman of the city, town or village.

2 All people shall cooperate so that the report in the preceding par. may reach its destination most promptly.

(Responsibility to Engage in Incipient Fire Fighting, Etc.)
Article 25 When fire occurs, the persons concerned with the fire fighting property or other persons prescribed by the order shall engage in fighting or checking the spread of fire or rescuing lives until the arrival of fire companies at the scene of fire.

2 In case of the preceding par., people near the scene of fire shall cooperate with the persons specified in the preceding par. in fighting or checking the spread of fire or rescuing lives.

3 Fire Department personnel or volunteer firemen may request the persons concerned with the fire fighting property or other persons prescribed in the order to provide information on the structure of the fire fighting property, whether there are persons who need to be rescued or other matters necessary for fighting or checking the spread of fire or rescuing lives.

(Right of Way of Fire Apparatus, Etc.)
Article 26 When fire apparatus are responding to the scene of fire, all the other vehicles and pedestrians shall give them the way.

2 The right of way of fire apparatus shall be subject to the provisions of Article 40, Article 41-2, par. 1 and 2 and Article 75-6, par. 2 of the Road Traffic Law (Law No. 105, 1960).

3 Fire apparatus may blow siren when responding to the scene of fire, or when there is a special need for training, which has been anounced to the public.

4 While returning to the fire station or other occasions, fire apparatus shall use the bell or whistle and follow the general traffic regulations.

(Fire Companies' Right to Enter Non-public Passages, Etc.)
Article 27 When there is an urgent need for reaching the scene of fire, fire companies may pass passages other than public thoroughfares or vacant lots and water surfaces not open to the public.

(Establishment of Fire Guard Areas, Order to Leave and Prohibition and Restriction of Entrance)

Article 28 At the scene of fire, fire department personnel or volunteer firemen may establish a fire guard area, order persons other than those prescribed in the order to leave or prohibit or restrict to enter the area.

2 When there is no fire department personnel or volunteer firemen at the scene of fire, or when there is a request from fire department personnel or volunteer firemen, policemen may exercise the authority of the fire department personnel or volunteer firemen prescribed in the preceding par.

3 When fire department personnel or volunteer firemen are engaged in establishing the fire guard area under the command of a senior fire officer, policemen are obliged to assist them.

(Use, Disposal and Restriction to Use of Land and Compensation of Damages Thereby and Order to Engage in Fire Fighting)

Article 29 When it is necessary for fighting or checking the spread of fire or rescuing lives, fire department personnel or volunteer firemen may use, dispose of or restrict the use of the fire fighting property where fire is breaking out or has broken out and the land where it stands.

2 When Fire Chief, Fire Station Chief, or Volunteer Fire Chief in the city, town or village without a fire department considers it inevitable for checking the spread of fire by rationally judging the force of fire, weather conditions and other surrounding circumstances, he may use, dispose of or restrict the use of the exposed fire fighting property and the land where it stands.

3 When Fire Chief, Fire Station Chief, or Volunteer Fire Chief in the city, town or village without a fire department considers that there is an urgent need for fighting or checking the spread of fire or rescuing lives, he may use, dispose or restrict the use of the fire fighting property or the land where it stands other than those prescribed in the two preceding pars. In this case, upon request from the person who sufferred the damages done by such operation to compensate the loss, the loss shall be compensated at the current price.

4 The expenses necessary for the compensation prescribed in the preceding par. shall be borne by the city, town or village concerned.

5 In case there is an urgent need, fire department personnel or volunteer firemen may have persons in the vicinity of the fire scene engage in fighting or checking the spread of fire, rescuing lives or performing other fire service operations.

(Right to Open or Close Floodgates of Canals, Etc.)
Article 30 In case there is an urgent need for maintaining water supply to the scene of fire, Fire Chief, Fire Station Chief, or Volunteer Fire Chief in the city, town or village without a fire department may use the water sources or open or close the floodgate or sluice of canals or the stop valve of water lines.

2 Fire Chief, Fire Station Chief, or Volunteer Fire Chief in the city, town or village without a fire department may previously conclude an agreement with the owner, manager or occupant of the water sources in regard to their use and management in the event of fire.

Chapter 7 Investigation of Fires

(Investigation of Fire Cause and Loss)
Article 31 Besides fighting fire, Fire Chief or Fire Station Chief shall undertake the investigation of fire cause and loss inflicted by fire and fire fighting.

(Interrogation to Persons Concerned and Request to Government Agencies for Report)
Article 32 When it is necessary for making the investigation in accordance with the provisions of the preceding article, Fire Chief or Fire Station Chief may interrogate the persons concerned.

2 Fire Chief or Fire Station Chief may request the government agencies concerned to report on the necessary matters concerning the investigation prescribed in the preceding article.

(Investigation of Damaged Property)
Article 33 Fire Chief or Fire Station Chief and the agent approved by the insurance company concerned may make an investigation of the property damaged or destroyed by fire in order to decide the fire cause and the amount of damages.

(Order to Submit Information and Report, Inspection of Damages, Etc.)
Article 34 When there is a need for making an investigation in accordance with the provisions of the preceding article, Fire Chief or Fire Station Chief may order the persons concerned to submit necessary information or report, or have the fire department personnel enter the place concerned and inspect the conditions of the property damaged or destroyed by fire.

2 The provisions of Article 4, the proviso in par. 1 and par. 2 through par. 6 shall apply mutatis mutandis to the preceding par.

(Investigation of Fire Cause and Cooperation in Crime Investigation)
Article 35 When an arson or accidental fire is suspected, the primary responsibility and authority to investigate the fire cause rest with Fire Chief or Fire Station Chief.

2 When Fire Chief or Fire Station Chief notices a crime of arson or accidental fire, he shall immediately inform it to the police station having jurisdiction and endeavor to collect and keep the necessary evidences. Upon receipt of a recommendation to cooperate in the crime investigation of arson or accidental fire from the Fire Defense Agency, he shall observe it.

(Right to Interrogate Suspect and Investigate Evidences)
Article 35-2 When policemen have apprehended the person suspected of the crime of arson or accidental fire or confiscated evidences, Fire Chief or Fire Station Chief may interrogate the suspect or investigate the evidences in order to make the investigation in the preceding article, par. 1.

2 The interrogation and investigation in the preceding par. shall not interfere with the policemen's investigation.

(Investigation of Fire Cause by Governor of To, Do or Prefecture)
Article 35-3 In the area of the city, town or village without a fire department, Governor of To, Do or Prefecture having jurisdiction over the area may investigate the fire cause in accordance with the provisions of Article 31 and Article 33 only when requested by the said headman of the city, town or village or when it is considered especially necessary.

2 The provisions of Article 32 and Article 34 through Article 35-2 shall apply mutatis mutandis to the case of the preceding par. In this case, "the fire department personnel" in Article 34, par. 1 shall read "the personnel engaged in the fire service of To, Do or Prefecture", and "Fire Chief or Fire Station Chief" in Article 35, par. 1 shall read "besides the headman of the city, town or village, Governor of To, Do or Prefecture."

(Fire Cause Investigation of Director of Fire Defense Agency)
Article 35-3-2 Upon request from Fire Chief or Governor of To, Do or Prefecture who investigates the cause of fire in accordance with the provisions of the preceding article, par. 1, when it is considered especially necessary, Director of the Fire Defense Agency may make a fire cause investigation in accordance with the provisions of Article 31 or Article 33.

2 The provisions of Article 32, Article 34 and Article 35-2 shall apply mutatis mutandis to the case of the preceding par. In this case, "the fire department personnel" in Article 34, par. 1 shall read "personnel of the Fire Defense Agency."

(Policemen's Responsibility to Investigate Crimes and Obligation of Fire Personnel and Policemen)
Article 35-4 The provisions of this chapter shall not relieve policemen of investigating crimes (including crimes of arson and accidental fire) and apprehend suspects (including suspects of crimes of arson and accidental fire).

2 Fire personnel and policemen shall cooperate with each other for the common objective of exterminating arson and accidental fire.

Chapter 7-2 Ambulance Service

(Ambulance Service of Cities, Towns and Villages)
Article 35-5 The cities, towns and villages prescribed in the Cabinet order shall perform the ambulance service.

(Ambulance Concerning Traffic Accidents)
Article 35-6 Governor of To, Do or Prefecture may request the city, town or village with an ambulance service to perform the necessary ambulance service in those sections of the roads where traffic accidents are considered to occur often in the city, town or village without an ambulance service by asking the opinions of the cities, towns and villages concerned. In this case, the requested city, town or village may perform the ambulance service necessary because of the said traffic accidents in answer to the said request.

2 Governor of To, Do or Prefecture shall perform the ambulance service in those sections of the national expressways and public highways in the city, town and village without an ambulance service, which are prescribed in the Cabinet order as the sections where the ambulance service is especially necessary because of a large number of traffic accidents (except those sections of the highways where the ambulance service is performed according to the request in the preceding par.) by asking the opinions of the said city, town or village without an ambulance service. In this case, the personnel and other members engaged in the ambulance service shall be fire department personnel in the application of the local Public Service Law (Law No. 261, 1950).

(Request for Cooperation with Ambulance Service and Liaison with Police)
Article 35-7 In case there is an urgent need, ambulance personnel may request persons in the vicinity of the scene of accident to cooperate in the ambulance service.

2 In performing the ambulance service, ambulance personnel shall maintain close liaison with policemen.

(Right of Way of Ambulance Companies)
Article 35-8 The provisions of Article 27 shall apply mutatis mutandis to the ambulance companies. In this case, "reaching the scene of fire" shall read "performing the ambulance service."

2 The provisions of Article 21 of the Fire Organization Law (Law No. 226, 1947) shall apply mutatis mutandis when To, Do or Prefecture performs the ambualnce service in accordance with the provisions of Article 35-6, par. 2. In this case, "the city, town and village", "fire protection" and the headman of the city, town and village" in Article 21 of the same law shall respectively read "the city, town and village and To, Do and Prefecture", "the ambulance service" and "the headman of the city, town and village and Governor of To, Do and Prefecture."

(Entrustment to Cabinet Order)
Article 35-9 Besides the matters prescribed in this chapter, those necessary for the organization of the ambualnce service shall be prescribed by the Cabinet order.

Chapter 8 Miscellaneous Provisions

(Application to Other Disasters except Flood)
Article 36 The provisons of Article 18, par. 2, Article 22 and Article 24 through Article 29 shall apply mutatis mutandis to other disasters except flood.

(Compensation to Persons Engaged in Fire Fighting)
Article 36-2 In case persons who engaged in fighting or checking the spread of fire, rescuing lives or other fire service operations in accordance with the provisions of Article 25, par. 2 or Article 29, par. 5 (including application mutatis mutandis to Article 36) or persons who cooperated in the ambulance service performed by the city, town or village in accordance with the provisions of Article 35-7, par. 1 die or get injured, sick or disabled on account of such operations, the city, town or village shall compensate, in accordance with the provisions of the municipal ordinance following the standards set by the Cabinet order, for the loss which they or their bereaved families would suffer from such cause.

2 The provisions in the preceding par. shall apply mutatis mutandis to the persons who cooperated in the ambulance service performed by To, Do or Prefecture.

(Reading of Terms for Special Wards)
Article 37 In the areas of the special wards, "the city, town or village", "the headman of the city, town or village" and "the municipal ordinance" shall respectively read "To", "Governor of Tokyo" and "the metropolitan ordinance."

Chapter 9 Penal Provisions

(Penal Provisions)
Article 38 Any person who unlawfully damages or removes a fire watch tower or a fire-bell tower in violation of the provisions of Article 18, par. 1 shall be sentenced to a penal servitude of not more than 7 years.

Article 39 Any person who unlawfully damages or removes a fire alarm system, fire hydrant or fire cistern in violation of the provisions of Article 18, par. 1 shall be sentenced to a penal servitude of not more than 5 years.

Article 40 Any person who falls under any of the following items shall be sentenced to a penal servitude of not more than 2 years or a fine of not more than 300,000 yen.

(1) The person who intentionally interferes with the passing of fire apparatus prescribed in Article 26, par. 1.
(2) The person who interferes with the volunteer firemen's operations of guarding, protection or relief in disasters other than flood.
(3) The person who interferes with the operations of the persons who are engaged in fighting, checking the spread of fire or rescuing lives in accordance with the provisions of Article 25 (including application mutatis mutandis to Article 36) or Article 29, par. 5 (including application mutatis mutandis to Article 36).

2 The person who commits crimes in the preceding par. may be sentenced concurrently to a penal servitude and a fine according to the circumstances, provided that the same shall not apply when there are express provisions in the Criminal Law.

3 Any person who commits crimes in par. 1, causing people to die or get injured shall be punished in accordance with this law or the Criminal Law whichever the heavier.

Article 41 Any person who falls under any of the following items shall be sentenced to a penal servitude of not more than 1 year or a fine of not more than 200,000 yen.

(1) The person who violates the order prescribed in Article 5.
(2) The person who violates the provisions of Article 10, par. 1.
(3) The person who violates the provisions of Article 15.

2 Any person who commits crimes in the preceding par. may be sentenced concurrently to a penal servitude and a fine according to circumstances.

Article 41-2 The person who violates the provisions of Article 21-34 shall be sentenced to a penal servitude of not more than 1 year or a fine of not more than 200,000 yen.

Article 42 Any person who falls under any of the following items shall be sentenced to a penal servitude of not more than 6 months or a fine of not more than 100,000 yen.

(1) The person who violates the order prescribed in Article 8, par. 4.
(1-2) The person who establishes a factory, storage or handling place, or changes its location, structure or facilities in violation of the provisions of Article 11, par. 1.
(2) The person who violates the provisions of Article 11, par. 5.

(3) The person who violates the order prescribed in Article 12-2.
(3-2) The person who violates the order or disposition prescribed in Article 12-3.
(4) The person who conducts an enterprise without designating a hazardous materials supervisor in violation of the provisions of Article 13, par. 1.
(5) The person who violates the provisions of Article 13, par. 3.
(6) The person who stores or handles hazardous materials in violation of the provisions of Article 14-2, par. 1 or violates the order prescribed in the same article, par. 3.
(7) The person who fails to install the fire protection equipment, etc. in violation of the provisions of Article 17-4.
(8) The person who violates the provisions of Article 17-5.

2 Any person who commits crimes in the preceding par. may be sentenced concurrently to a penal servitude and a fine according to the circumstances.

Article 43 Any person who falls under any of the following items shall be sentenced to a penal servitude of not more than 3 months or a fine of not more than 50,000 yen.

(1) The person who fails to designate a fire protection manager in violation of the provisions of Article 8, par. 3.
(2) The person who violates the provisions of Article 10, par. 3.
(3) The person who violates the provisions of Article 16.
(4) The person who violates the provisions of Article 16-2, par. 1

2 Any person who commits crimes in the preceding par. may be sentenced concurrently to a penal servitude and a fine according to the circumstances.

Article 43-2 Any person who violates the provisions of Article 21-2, par. 4 shall be sentenced to a fine of not more than 50,000 yen.

Article 44 Any person who falls under any of the following items shall be sentenced to a fine of not more than 30,000 yen or detention.

(1) The person who fails to observe the order prescribed in Article 3, par. 1.
(2) The person who fails to submit information or report or submits false information or report when requested to submit information or report in accordance with the provisions of Article 4, Article 16-5, par. 1 or Article 34 (including application mutatis mutandis to Article 35-3, par. 2 or Article 35-3-2, par. 2) or rejects, interferes with, or evades entrance, inspection or confiscation prescribed in the same provisions.
(3) The person who violates the provisions of Article 8-3, par. 3 or Article 21-9, par. 2.

(3-2) The person who rejects, interferes with or evades the inspection prescribed in Article 14-3 or Article 17-3-2.

(4) The person who violates the provisions of Article 16-2, par. 3.

(5) The person who fails to observe the fire department personnel or policemen's order to stop or rejects the request for presentation of his license in accordance with the provisions of Article 16-5, par. 2.

(6) The person who fails to report in accordance with the provisions of Article 8, par. 2, Article 11-2, par. 1, Article 13, par. 2, Article 17-3-2 or Article 17-12.

(7) The person who violates the order prescribed in Article 13-2, par. 5 (including application mutatis mutandis to Article 17-7, par. 2).

(7-2) The person who unlawfully makes a false report of the situation in Article 16-3, par. 1 to the fire station, the place designated by the headman of the city, town or village, the police station or a coast guard rescue organ in accordance with the provisions of Article 16-3, par. 2.

(7-3) The person who fails to report in accordance with the provisions of Article 17-3-3 or makes a false report.

(8) The person who fails to take the necessary measures for the maintenance of the fire protection equipment, etc. in violation of the order prescribed in Article 17-4.

(9) The person who unlawfully uses the fire alarm system, fire hydrant, fire cistern, fire watch tower or fire-bell tower, or obstructs its proper use in violation of the provisions of Article 18, par. 1.

(10) The person who violates the provisions of Article 18, par. 2.

(11) The person who makes the water sources in an unserviceable condition without reporting prescribed in Article 21, par. 3.

(12) The person who fails to make a report or makes a false report when requested to make a report in accordance with the provisions of Article 21-13, par. 1, or rejects, interferes with or evades inspection prescribed in the same par.

(13) The person who violates the restriction prescribed in Article 22, par. 4 or Article 23.

(14) The person who fails to observe the prohibition of the use of fire, the order to leave or the prohibition or restriction of entrance prescribed in Article 23-2.

(15) The person who gives a false fire alarm or a false report concerning sick cases prescribed in Article 2, par. 9 to the fire station or the place designated by the headman of the city, town or village in accordance with the provisions of Article 24 (including application mutatis mutandis to Article 36).

(16) The person who fails to observe the order to leave or the prohibition or restriction of entrance prescribed in Article 28, par. 1 or par. 2 (including application mutatis mutandis to Article 36).

(17) The person who rejects the investigation of damages after fire prescribed in Article 33.

Article 44-2 In case an association fails to make a report or makes a false report or rejects, interferes with or evades the inspection prescribed in Article 21-49, par. 1 when requested in accordance with the provisions of the same par., the officer or staff of the association who does the false act shall be sentenced to a fine of not more than 30,000 yen or detention.

(Punishment of Both Sides)
Article 45 In case a representative of a juridical person, an agent, employee or other worker of a juridical person or a person commits an unlawful act prescribed in Article 41, par. 1, item 2 or item 3, Article 42, par. 1 (excluding item 5 and item 8 of the same par.), Article 43, par. 1, Article 43-2 or Article 44, item 3 or item 8 concerning the works of the juridical person or the person, the juridical person or the person as well as the actor shall be sentenced to a fine prescribed in the respective article.

(Establishment of Penal Provisions in Municipal Ordinance)
Article 46 It may be prescribed in the municipal ordinance based on the provisions of Article 9-3 that any person who violates the ordinance shall be sentenced to a fine of not more than 50,000 yen.

Article 46-2 In case an association commits an unlawful act that falls under any of the following items, an officer or staff of the association shall be punished with a fine of not more than 30,000 yen.

(1) Failure to receive approval from the Home Minister in case it has to be received under this law.
(2) Failure to register in violation of the provisions of the Cabinet order in Article 21-21, par. 1.
(3) Performance of works other than those prescribed in Article 21-36.
(4) Use of the surplus cash in the conduct of business in violation of the provisions of Article 21-44.
(5) Violation of the Home Minister's order in Article 21-48, par. 2.

Article 46-3 The person who violates the provisions of Article 21-22 shall be punished with a fine of not more than 10,000 yen.

Annexed Table

Group	Item	Quantity
1st Group	Chlorates	50 kg
	Perchlorates	50 "
	Peroxides	50 "
	Nitrates	1,000 "
	Permanganates	1,000 "
2nd Group	Yellow phosphorus	20 kg
	Phosphorus sulfide	50 "
	Red phosphorus	50 "
	Sulfur	100 "
	Metal dusts A	500 "
	Metal dusts B	1,000 "
3rd Group	Potassium	5 kg
	Sodium	5 "
	Calcium carbide	300 "
	Calcium phosphide	300 "
	Calcium oxide	500 "
4th Group	Special flammables	50 liters
	1st Class petroleums	100 "
	Ester acetates	200 "
	Ester formates	200 "
	Ethylmethyl ketone	200 "
	Alcohols	200 "
	Pyridin	200 "
	Chlorobenzene	300 "
	2nd Class petroleums	500 "
	3rd Class petroleums	2,000 "
	4th Class petroleums	3,000 "
	Animal fats and vegitable oils	3,000 "
5th Group	Ester nitrates	10 kg
	Celluloids	150 "
	Nitro compounds	200 "
6th Group	Fuming nitric acid	80 kg
	Fuming sulfuric acid	80 "
	Chlorosulfonic acid	80 "
	Sulfuric unhydride	80 "
	Concentrated nitric acid	200 "
	Concentrated sulfuric acid	200 "
	Chromic unhydride	200 "

Remarks

1 Metal dusts A shall mean the powder, leaf and ribbon of magnesium and aluminum (including flash-light powder for photographing and other purposes). Metal dusts B shall mean the powder of metals other than magnesium and aluminum.

2 Special flammables shall mean ester, carbon disulfide, colodion and other substances which are in liquid form (substances which are in liquid form at 20°C or become liquid between 20°C and 40°C, which applies hereafter) at the barometric pressure of 760 mm and have ignition temperature below 100°C or flash points below -20°C and boiling points below 40°C.

3 1st Class petroleums, 2nd Class petroleums, 3rd Class petroleums and 4th Class petroleums shall mean the liquids which have the following properties (at the barometric pressure of 760 mm).

(1) 1st Class petroleums shall be acetone, gasoline and other liquids which have flash points below 21°C.

(2) 2nd Class petroleums shall be kerosene, light oil and other liquids which have flash points between 21°C and 70°C.

(3) 3rd Class petroleums shall be heavy oil, creosote oil and other substances in liquid form at 20°C which have flash points between 70°C and 200°C.

(4) 4th Class petroleums shall be gear oil, sylinder oil and other substances in liquid form at 20°C which have flash points at or above 200°C.

4 Alcohols shall include fusel oil and denatured alcohol.

5 Animal fats and vegitable oils shall mean animal fats and vegitable oils in liquid form at the barometric pressure of 760 mm and 20°C other than those which are sealed air-tight in non-combustible containers and kept in storages.

6 Celluloids shall mean products, semiprocessed goods and scraps chiefly made of nitrocellulose.

7 Nitro compounds shall mean compounds which have two or more nitro radicals.

8 Concentrated nitric acid shall mean that which has the specific gravity of or above 1.49. Concentrated sulfuric acid shall mean that which has the specific gravity of or above 1.82.

9 Names of paints and mixtures of hazardous materials shall be prescribed by the Home Ministry order.

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Administration Section
Tokyo Fire Department, May 1975

BUILDING STANDARD LAW (Abstracts)

(Law No.201 May 24,1950)

Amendments:

(A)	April 1, 1952	Law No.	195 of 1951
(B)	Dec. 1, 1951	"	220 of 1951
(C)	Dec. 24, 1951	"	318 of 1951
(D)	May 31, 1952	"	160 of 1952
(E)	Dec. 5, 1952	"	181 0f 1952
(F)	Aug. 1, 1952	"	258 of 1952
(G)	Aug. 1, 1953	"	114 of 1953
(H)	July 1, 1954	"	72 of 1954
(I)	April 1, 1955	"	120 of 1954
(J)	July 1, 1954	"	131 of 1954
(K)	June 1, 1954	"	140 of 1954
(L)	Sep. 1, 1956	"	148 of 1956
(M)	May 15, 1957	"	101 of 1957
(N)	April 23, 1959	"	79 of 1958
(O)	Dec. 23, 1959	"	156 of 1959
(P)	July 1, 1960	"	113 of 1960
(Q)	Feb. 1, 1961	"	140 of 1960
(R)	Dec. 4, 1961	"	115 of 1961
(S)	Feb. 1, 1962	"	191 of 1961
(T)	April 16, 1962	"	81 of 1962
(U)	Oct. 1, 1962	"	140 of 1962
(V)	Oct. 1, 1962	"	161 of 1962
(W)	Jan. 15, 1964	"	151 of 1963
(X)	Oct. 1, 1964	"	160 of 1964
(Y)	April 1, 1965	"	169 of 1964
(Z)	Dec. 2, 1965	"	119 of 1965
(a)	June 14, 1969	"	101 of 1968
(b)	June 14, 1969	"	38 of 1969
(c)	Oct. 13, 1970	"	20 of 1970
(d)	Jan. 1, 1971	"	109 of 1970
(e)		"	137 of 1970
(f)		"	141 of 1970
(g)	June 22, 1972	"	86 of 1972
(h)	June 1, 1974	"	69 of 1974
(i)	July 1, 1975	"	49 of 1975
(j)	July 11, 1975	"	59 of 1975
(k)	July 16, 1975	"	66 of 1975
(l)	July 16, 1975	"	67 of 1975

(m) Nov. 1, 1977 " 83 of 1976

CHAPTER II BUILDING SITE, CONSTRUCTION AND BUILDING EQUIPMENTS

(Structural Strength)

ARTICLE 20. The building shall be safely designed to stand against the external forces such as dead load, live load, snow load, wind pressure, earth pressure and water pressure as well as against earthquakes or other vibrations and shocks.

2. In preparing plans and specifications regarding the buildings mentioned in Article 6 paragraph 1 item (2) or item (3), the safety of the construction shall be ascertained by structural calculation thereof.

(Principal Structural Parts of Building of Lager Scale)

ARTICLE 21. No principal structural parts (excepting the floor, roof and stairs) of a building exceeding 13 meters in height, 9 meters in eaves height or 3,000 sq. meters in total floor area shall be of wooden construction.

2. No principal structural parts (excepting the floor, roof and stairs) or a building exceeding 13 meters in height or 9 meters in eaves height shall be of stone construction, brick construction, concrete block construction, plain concrete construction or others of similar construction. However, in case a special measure for reinforcement has been taken and the safety of the construction concerned has been ascertained by the structural calculation thereof, the same shall not apply.

(Technical Standards Necessary for Enforcing Provisions of This Chapter or for Supplementing Them)

ARTICLE 36. With respect to the structural methods necessary for safeguarding of buildings, methods of structural calculation, light area of ordinary rooms, height of ceilings and floors, damp-proofing method of floors, installation and structure of stairs, water-closets, fire-walls, fire-partitions, fire-extinguishing facilities, lightind-equipments, water-supply, drainage system,piping works, structure of chimneys and elevatory equipments the technical standards necessary for

enforcing or supplementing the provisions of this Chapter regarding safety, sanitation and fire-protection shall be prescribed by Cabinet Order. (O)

(Quality of Building Materials)

ARTICLE 37. The quality of building materials such as steel materials, cement and oters to be used for the footing and principal structural parta of a building shall conform to the JIS (Japanese Industrial Standards) and JAS (Japanese Agricaltural Standards) prescribed by the Minister of Construction. (d)

(Special Materials and Methods of Construction)

ARTICLE 38. The provisions of this Chapter and of the orders and by-laws based thereon shall not apply to special building materials or special methods of construction in case the Minister of Construction deems that the said building materials or methods of construction are equal or superior to those under these provisions.

BUILDING STANDARD LAW ENFORCEMENT ORDER (Abstracts)

(Cabinet Order No. 338, Nov. 16, 1950)

In accordance with the provisions of the Building Standard Law (Law No. 201 of 1950). The Cabinet establishes this Cabinet Order.

Amendments

(A)	Dec. 1, 1951	Cabinet Order No. 342 of 1951
(B)	Dec. 7, 1951	" 371 of 1951
(C)	May 31, 1952	" 164 of 1952
(D)	Oct. 20, 1952	" 353 of 1952
(E)	Sept. 17, 1953	" 284 of 1953
(F)	July 1, 1954	" 183 of 1954
(G)	July 1, 1956	" 185 of 1956
(H)	Sept. 1, 1956	" 256 of 1956
(I)	May 15, 1957	" 99 of 1957
(J)	Jan. 1, 1959	" 283 of 1958
(K)	Nov. 24, 1958	" 318 of 1958
(L)	Dec. 23, 1959	" 344 of 1959
(M)	July 1, 1960	" 185 of 1960
(N)	Feb. 1, 1961	" 272 of 1960
(O)	Dec. 4, 1961	" 396 of 1961
(P)	July 27, 1962	" 309 of 1962
(Q)	Oct. 24, 1962	" 332 of 1962
(R)	Jan. 15, 1964	" 4 of 1964
(S)	April 1, 1964	" 106 of 1964
(T)	April 1, 1965	" 347 of 1964
(U)	Oct. 26, 1967	" 335 of 1967
(V)	May 1, 1969	" 8 of 1969
(W)	June 14, 1969	" 158 of 1969
(X)	Aug. 26, 1969	" 232 of 1969
(Y)	June 10, 1970	" 176 of 1970
(Z)	Jan. 1, 1971	" 333 of 1970
(a)	June 24, 1971	" 188 of 1971
(b)	Jan. 1, 1974	" 242 of 1973
(c)	April 1, 1975	" 203 of 1974
(d)	April 1, 1975	" 2 of 1975
(e)	Sept. 1, 1975	" 304 of 1975
(f)	Jan. 11, 1976	" 381 of 1975
(g)	Aug. 23, 1976	" 228 of 1976
(h)	Nov. 1, 1977	" 226 of 1977

CHAPTER III STRENGTH OF STRUCTURES

SECTION 1 GENERAL PROVISIONS

(Fundamental Principle of Structural Designing)

ARTICLE 36. In making structural designing a building, pillars, beams, floors, walls etc. shall be arranged effectively and uniformly safe against dead load, live load, snow load, wind pressure, earth pressure and water pressure and impacts and vibrations of earthquake and others acting on a building according to the its structural composition. (Z)

2. Principal structural parts necessary for structural strength shall be arranged well balanced to resist against the horizontal force acting on a building. (Z)

3. Principal structural parts of a building shall be designed as rigid to cause no distortion and vibration objectionable to purpose of use and ductility to caused no brittle failure. (Z)

SECTION 8 STRUCTURAL CALCULATION

CLAUSE 1 GENERAL PROVISIONS

(Application)

ARTICLE 81. Structural calculation of buildings mentioned in the provisions of Article 20 Paragraph 2 of the Law shall be conducted acoording to the provisions of this Section. However, the same shall not apply in case where structural calculation is carried out by the safety method of structural calculation recognized as equal or superior to that prescribed in the provisions of this Section by the Minister of Construction. (L)

(Principle of Structural Calculation)

ARTICLE 82. Structural calculation under the preceding Article shall comply with the requirements of the following items: (L); (Z)

(1) To calculate the stress* developed in principal structural part** of building caused by loads and external forces specified by the provisions of Clause 2;

(2) To calculate permanent and temporary unit stresses at principal structural part mentioned in the preceding item by combining and summing up stresses by using the following table; (L), (Z)

Kind of stress	Conditions estimable regarding loads and external forces	Combination of stresses	Remarks
Permanent stress	Normal time	G+P	
Temporary stress	Snow season	G+P+S	
	Storm	G+P+W	For checking in case of over-turning of building or pulling out of column, regarding P, the value be that load reduced to meet the actual condition of loading in the building.
	Earthquake	G+P+K	

In above table, G, P, S, W and K represent respectively the following stresses:

G Stresses due to dead load prescribed in Article 84.
P Stresses due to live load prescribed in Article 85.
S Stresses due to snow load prescribed in Article 86.
W Stresses due to wind pressure prescribed in Article 87.
K Stresses due to seismic force prescribed in Article 88.

(3) To check and ascertain that the permanent and temporary stresses of preceding item do not exceed the allowable unit stresses for permanent and temporary stresses according to the provisions of Clause 3.

(4) When necessary, to check and ascertain whether the deformation or vibration of the principal structural part gives objectionable effect on the use of building or not. (Z)

*Stress is a term representing axial force, bending moment or shearing force in structural members, and should be distinguished from unit stress, that is, stress intensity per unit cross-sectional area.

**Principal structural part is a term representing foudations, foundation piles, walls, columns, trusses, sills, bracings (angle braces, materials for horizontal bracings or the like), or floor slab, roof slab, horizontal members of a building (beams, girders, or the like) that sustain dead and live loads, snow load, wind pressure, earth pressure or water pressure or impact and vibrations of earthquake and other actions. (Article 1, the Enforcement Order)

CLAUSE 2 LOADS AND EXTERNAL FORCES

(Kind of Load and External Force)

ARTICLE 83. Loads and external forces acting on a building shall be considered in accordance with those mentioned in the following items: (L)

(1) Dead load
(2) Live load
(3) Snow load
(4) Wind pressure
(5) Seismic force.

2. In addition to those given in the preceding paragraph, earth pressure, water pressure, vibration and impact shall be considered calculation, according to the actural condition of the building concerned. (Z)

(Dead Loads)

ARTICLE 84. Dead load of each part of building shall be either values given in the following table or values obtained by figuring out accoding to the actual condition of the building concerned: (B), (C), (L)

Part of Building	Classification		Weight (unit; kg/m^2)		Remarks
Roof	Tile roof	Case no soil used	For face of roof	65	Including ground and rafters but not including purlins
		Case soil used		100	
	Asbestos slate roof	Placed directly over purlins		25	Not including purlins
		Other cases		35	Including ground and rafters but not including purlins
	Corrugated iron sheet roof directly on purlins			5	Not including purlins
	Iron sheet roof			20	Including ground and rafters but not including purlins
	Glass roof			30	Including steel frame but not including purlins
	Thick type slate roof			45	Including ground and rafters but not including purlins
Wooden purlins	In case distance of supports of purlins 2 meters or less		For face of roof	5	
	In case distance of supports of purlins 4 meters or less			10	

Ceiling	Common moulding and strips			For face of ceiling	10	Including wood hangers, strips and othergrounds.
	Fiber sheet, wood board, ply wood or metal sheet				15	
	Wood fiber-cement sheet				20	
	Croos framed moulding				30	
	Plaster finish				40	
	Mortar finish				60	
Floor	Floor for wood	Wood floor		For floor face	15	Including joists
		Tatami (Japanese mat)			35	Including floor boards and joists
		Floor beam	In case of span 4 m or less		10	
			In case of span 6 m or less		17	
			In case of span 8 m or less		25	
	Finish on concrete floor	Wood boards			20	Including joists and beams
		Flooring blocks			15	For every 1 cm of thickness it shall be multiplied by the number equal to that value in cm
		Mortar finish, artificial stone finish and tile finish			20	
		Asphalt waterproof layer			15	For every 1 cm of thickness it shall be multiplied by the number equal to that value in cm
Wall	Wall frames for wood building			On wall face	15	Including column, strut and bracing
	Finish of walls in wooden building	Clapboards, chingle or fiber board			10	Including ground but not including frame works
		Plaster on wood lath			35	
		Mortar on metal lath			65	
	Earth plastering wall (Komai-kabe) in wooden building				85	Including frame-work
	Finish of concrete wall	Plaster finish			17	For every 1 cm of thickness of the finish, it shall be multiplied by the number equal to that value in cm
		Mortar and artificial stone finish			20	
		Tile finish			20	

(Live Loads)

ARTICLE 85. Live load at each part of a building shall be determined

according to actual condition of building concerned. However, live loads on floor given in the foloowing table may be taken from the value as determined for each item of (a), (b) or (c) for calculation: (L)

Kind of room \ Object for calculation			For structural calculation on different cases: kg/ m^2		
			(a) On calculating floor strength	(b) On calculating strength of girders, columns or footing	(c) On calculating for seismic forces
1	Ordinary room of residential building or patient's room of other than residential buildings		180	130	60
2	Office room		300	180	80
3	Class room		230	210	110
4	Sales room in department store or shop		300	240	130
5	Seatings of assembly room of theatre, cinema, entertainment hall, grandstand, public hall, assembly hall or building available for other similar use	In case of fixed seats	300	270	160
		In case of other than fixed seats	360	330	210
6	Garage or passageway for automobiles		550	400	200
7	Corridor, vestibule or stairway		For room connected to those item (3) to item (5) inclusive, the value of other than fixed seats of item (5) is to be taken		
8	Open space on roof or balcony		Value of item (1) to be used. However, for Buildings used as school or department store, take the value in item (4)		

2. In the case of calculating compressive strength due to vertical loads on column or footing, the value of column (b) of the preceding paragraph may be reduced depending upon the number of floors it supports, down to the figure obtained by multiplying the value of the following table, excepting the live loads for floor of room mentioned in 5 of the table in the same paragraph: (L)

Number of floors supported	2	3	4	5	6	7	8	9 or more
Value to be multiplied for reduced live load	0.95	0.90	0.85	0.80	0.75	0.70	0.65	0.60

3. If the live load for floor of commercial ware-house calculated according to actual condition by the provision of paragraph 1 is less than 400 kg/m^2, the value shall be taken at 400 kg/m^2.

(Snow Loads)

ARTICLE 86. Snow loads shall be figured by multiplying unit weight of snow with the deepest snow fall of the locality.

2. Unit weight of snow as prescribed in the preceding paragraph shall be, for every one cm of snow depth 2 kg/cm^2 or more. However, the administrative agency concerned may, by regulations, designate the heavy snow district based on the standard fixed bythe Minister of Construction and may change the provision for the said district. (L),(Z)

3. Maximum snow depth prescribed in paragraph 1 shall be numerical value based on actual circumstances (designated numerical value when the administrative agency concerned designates by regulations). (L)

4. In case the roof-slope is over 30 deg. and less than 60 deg. except where there are snow guards on the roof, snow load on roof may, according to its slope, take the value obtained by multiplying the value of the following table (designated numerical value when the administrative agency concerned designate different value from that by regulations considering the roof materials or nature of snow etc.) by the snow lead in paragraph 1. However, if slope is steeper than 60 deg., it may be neglected. (L)

Slope	(In degrees) Case for 30-40	Case for 40-50	Case for 50-60
Value to be multiplied for live load	0.75	0.5	0.25

5. Snow load in heavy district designated by the administrative agency concerned under the provision of the proviso to paragraph 2 treated as normal time load may be reduced to 70% of

the value obtained by calculating according to the provisions of the preceding four paragraphs and load counted to act together with wind pressure or seismic force may be reduced to 35% thereof. (L)

6. If there is possibility of snow piling on roof in unbalanced way, its influence shall be considered in structural calculation.

7. In locality where people are accustomed to remove snow from roof from time to time, even in case snow depth in that locality exceeds 1 m, snow depth may be reduced, according to the actual condition, of removing snow, to depth of 1 m for calculation of snow load. (Z)

8. (omission) (Z)

(Wind Pressure)

ARTICLE 87. Wind pressure shall be calculated by multiplying the coefficient of wind force to velocity pressure.

2. Velocity pressure of the preceding paragraph shall be calculated by the following formula; however, the administrative agency concerned may designate the district by regulations and may, on the basis of the standard set forth by the Minister of Construction in consideration of the wind condition of that locality, determine the velocity pressure for that region within the limit of 60% of that value: (L),(Z)

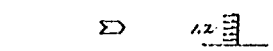
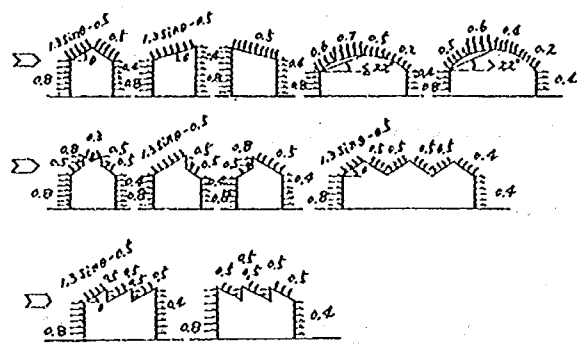
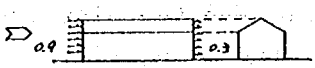
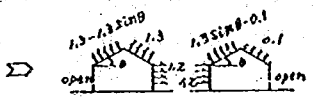
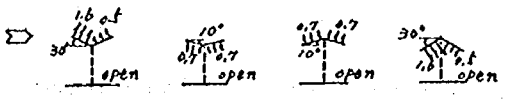
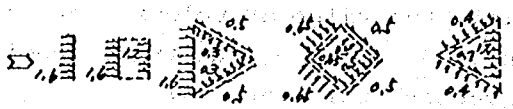
$$q = 60\sqrt{h}$$

where h; Height above ground level in meter
q; Velocity pressure in kg/m^2.

3. Where another building or wind defence forest or other similar facilities effective in protecting the building in the direction of wind, the value of velocity pressure in that direction may be reduced to 1/2 of the value specified in the provision of the preceding paragraph. (Z)

4. As regards the value of the wind force coefficient referred

to in paragraph 1, the value for a building or structure having a section of any one of the shapes shown in the following diagram shall be the corresponding value shown in the diagram, and the value for a building or structure having a section of a shape other than these shall be determined according to the value for the section of a similar shape, unless it is determined by the wind tunnel test. (G), (L), (Z)

Form of plain board	
Type of structure in closed form	 In case the roof surface forms an arc, the points of inflection shall quarter the arc.
	 In case of wind in direction of side wall girders.
Type of structure in open form	
Self-supporting shed	In case slope of roof has intermediate value, interpollate by straight line method a b c d 
Lattice structure	 The above figures indicate cross-section of latticed beams and columns. For area acted by wind pressure, area of face of lattice member looked from perpendicular direction at face of lattic shall be taken.

Circular structure such as chimney, gas tank, etc.	
In this figure, ⇨ indicates the direction of wind ⇝ indicates the derection of wind pressure, and θ indicates the angle of roof surface to horizontal plane.	

(Seismic Force)

ARTICLE 88. Seismic force shall be calculated by multiplying the total of dead and live loads (snow load in addition in heavy snow district designated by the administrative agency concerned under the provision of Article 86 paragraph 2 proviso) by the coefficient of horizontal force. (L)

2. Seismic coefficient of horizontal force acting on a building above the ground level shall be not less than the value given in the following table according to the height above ground level: (L)

Building or its part	(1) Part not exceeding 16 m. in height	(2) Part exceeding 16 m. in height	(3) Wooden building in district where soil is extremely soft and bad.
Seismic coefficient of horizontal force	0.2	Add to value in column (1) 0.01 for increase of every 4 m. in height	0.3

3. The administrative agency concerned shall, on the basis of the standard set forth by the Minister of Construction, designate the district where ground is extremely soft and bad as prescribed in (3) of the table in the preceding paragraph. (Z)

4. Seismic coefficient of horizontal force acting on water tank, chimny and others similar projected from roof shall be 0.3 or more. (L)

5. The values in the table of paragraph 2 and those of the

seismic coefficient of horizontal force prescribed in the preceding paragraph may be reduced by 1/2 or less in accordance with the standards as may be fixed by the Minister of Construction in consideration (1) of (a) the construction of the building or of the water tank, chimney or the like projecting upward from a roof and (b) the soil or (2) of (a) the extent of damage caused by earthquakes as shown in past earthquake records and (b) the condition of seismic activities and the nature of earthquakes in the district concerned. (B), (L), (Z)

THE CITY PLANNING LAW

(Law No. 100 of 1968)

Latest Amendment : November 15, 1976

CITY BUREAU, MINISTRY OF CONSTRUCTION

CITY PLANNING ASSOCIATION OF JAPAN

CHAPTER I. GENERAL PROVISIONS

(Purposes)

Article 1. The purposes of this Law are to help to realize the sound development and systematic improvement of cities by fixing and providing for the substance of city planning and the procedure for deciding it, restrictions concerning city planning, city planning projects, and other necessary matters relative to city planning, and thereby to add to the balanced development of the country and to the promotion of public welfare.

(Principle of City Planning)

Article 2. A city plan shall be fixed on the principles that healthy and cultured urban life and functional urban activities should be secured without impairing the sound harmony with agriculture, forestry and fishery and that, to attain this first principle, rational utilization of land under due regulations should be sought.

(Responsibility of the State, Local Public Bodies and Inhabitants)

Article 3. The State and the local public bodies shall endeavor to carry out improvement, development and other pertinent city planning projects for cities.

2 The inhabitants of cities shall cooperate with the State and the local public bodies in their taking steps for attainment of the purposes of this Law and shall make efforts for establishing good urban environment.

(Definition)

Article 4. "City plan" as used in this Law means such a plan connected with utilization of land, improvement of urban facilities and/or execution of built-up area development projects as is fixed according to the provisions of the next Chapter for promoting sound development and systematic improvement of cities.

2 "City planning area" as used in this Law means an area designated under the provisions of the next Article.

3 "District or zone" as used in this Law means a district, zone or block mentioned in the items of Article 8 paragraph 1.

4 "Project expediting area" as used in this Law means one of the areas mentioned in the items of Article 10-2 paragraph 1.

5 "Urban facility" as used in this Law means such a facility to be fixed in a city plan as is listed in the items of Article 11 paragraph 1.

6 "City planning facility" as used in this Law means such a facility which has been fixed in a city plan as is listed in the items of Article 11 paragraph 1.

7 "Built-up area development project" as used in this Law means a project listed in the items of Article 12 paragraph 1.

8 "Area where a built-up area development project etc. is to be undertaken as used in this Law means one of the areas listed in the items of Article 12-2 paragraph 1.

9 "Building" as used in this Law means a building defined in Article 2 item (1) of the Building Standard Law (Law No. 201 of 1950), and "build" means to execute a building work as defined in item (13) of the same Article.

10 "Special structure" as used in this Law means such concrete plant or other structure which may deteriorate the environment of the neighboring area as is designated by Cabinet Order (hereinafter referred to as "category 1 special structure") or such golf course or other large-scale structure as is designated by Cabinet Order (hereinafter referred to as "category 2 special structure").

11 "Land development" as used in this Law means changing of the division, shape or character of land for the purpose of utilizing it mainly for construction of buildings or special structures.

12 "Land development area" as used in this Law means an extent of land on which land development is to be executed.

13 "Public facility" as used in this Law means a road, park or other facility intended for public use fixed by Cabinet Order.

14 "City planning project" as used in this Law means such a project of or connected with the construction or improvement of a city planning facility or facilities or such a built-up area development project as is executed in accordance with the provisions of this Law by obtaining the permission or approval under the provision of Article 59.

15 "Project executor" as used in this Law means the person who undertakes and executes a city planning project.

(City Planning Area)

Article 5. The prefectural governor shall designate an area which includes a built-up area located in the center of a city or of a town or village meeting the necessary conditions provided for by Cabinet Order such as those of the population, the number of employed population, etc. and for which integrated improvement, development and conservation as a unified urban area are necessary in view of the natural and social conditions and of the present situation and change of situation of population, land use, traffic volume and other matters provided for by Ministry of Construction Ordinance as a city planning area. In this connection, he may, if it is necessary, designate as a city planning area an area extending beyond the area of the city, town or village concerned.

2 Apart from the designation under the provision of the preceding paragraph, the prefectural governor shall designate as city planning areas any urban development areas under the National Capital Region Development Law (Law No. 83 of 1956), urban development areas under the Kinki Region Development Law (Law No. 129 of 1963), urban development areas under the Chubu Region Development Law (Law No. 102 of 1966) and other areas which should be newly developed and conserved as residential cities, industrial cities or other kind of cities.

3 When the prefectural governor intends to designate a city planning area under the provisions of the preceding two paragraphs, he shall previously hear the opinions of the city, town or village concerned and the Local City Planning Council and obtain the approval of the Minister of Construction in accordance with the provisions of the relevant Ministry of Construction Ordinance.

4 With regard to a city planning area extending over two or more prefectures, the Minister of Construction shall make its designation upon hearing the opinions of the prefectural governors concerned, notwithstanding the provisions of paragraphs 1 and 2. In this connection, the prefectural governors concerned shall hear the opinions of the cities, towns or villages concerned and the Local City Planning Councils concerned before offering their opinions.

5 Designation of a city planning area shall be made by giving public notice in accordance with the provisions of the relevant Ministry of Construction Ordinance.

6 The provisions of the preceding paragraphs shall apply mutatis mutandis in making changes to or abolishing a city planning area.

(Basic Survey concerning City Planning)

Article 6. The prefectural governor shall make a survey of the existing state and future prospect of the population size, size of employed population broken down by trades, extent of the built-up area, land use, traffic volume, and other matters fixed by Ministry of Construction Ordinance for each of the city planning areas every five years or so.

2 The prefectural governor shall report to the Minister of Construction the results of the basic survey under the provision of the preceding paragraph and also notify the head of the city, town or village concerned of the results in accordance with the provisions of the relevant Ministry of Construction Ordinance.

CHAPTER II.. CITY PLANNING

Section 1. Substance of City Planning

(Urbanization Promotion Area and Urbanization Control Area)

Article 7. In a city plan, the urbanization promotion area and the urbanization control area shall be fixed by dividing the city planning area into them in order to prevent disorderly building up and realize building up according to a plan.

2 The urbanization promotion area shall be the existing built-up area plus the area to be made a built-up area on a preferential and planned basis within ten years or so.

3 The urbanization control area shall be the area whose growth into a built-up area should be controlled.

4 With regard to the urbanization promotion area and the urbanization control area, the city plan shall have provisions relative to their division, and to the policies of improvement, development or conservation of the respective areas.

(District and Zone)

Article 8. In a city plan shall be fixed the necessary ones of the districts, zones and blocks listed in the items below for the city planning area concerned:

(1) Category 1 exclusive residential district, category 2 exclusive residential district, residential district, neighborhood commercial district, commercial district, quasi-industrial district, industrial district and exclusive industrial district (hereinafter referred to as "use districts");

(2) Special industrial zone, school zone and other special use zones fixed by Cabinet Order;

(3) Height zone and high utilization zone;

(4) Specified block;

(5) Fire-protection district and quasi-fire-protection district;

(6) Aesthetic zone;

(7) Scenic zone;

(8) Zone to be provided with parking places provided for in Article 3 paragraph 1 of the Parking Place Law (Law No. 106 of 1957);

(9) Port zone;

(10) Special zone for preservation of historical natural features provided for in Article 6 paragraph 1 of the Law concerning Special Measures for Preservation of Historical Natural Features of Ancient Cities (Law No. 1 of 1966);

(11) Green space conservation zone provided for in Article 3 of the Urban Green Space Conservation Law (Law No. 72 of 1973);

(12) Distribution business zone provided for in Article 4 paragraph 1 of the Law concerning the Development of Built-up Areas for Distribution Business (Law No. 110 of 1966);

(13) Category 1 agricultural zone reserved in the urbanization promotion area as provided for in Article 3 paragraph 1 of the Law concerning the Agricultural Land etc. Reserved in the Urbanization Promotion Area (Law No. 68 of 1974) and category 2 agricultural zone reserved in the urbanization promotion area as provided for in Article 4 paragraph 1 of the same Law;

(14) Zone for preservation of a group of traditional structures provided for in Article 83-3 paragraph 1 of the Cultural Properties Protection Law (Law No. 214 of 1950).

2 For each of the districts and zones the following matters shall be fixed in the city plan:

(1) Kind, location and extent of the district or zone;

(2) For each of the following districts and zones, what is specified in the respective sub-items:

a. Use district: Ratio of the total floor area of buildings to the site area as provided for in Article 52 paragraph 1 items (1) to (3) of the Building Standard Law;

b. Category 1 exclusive residential district: Ratio of the building area of buildings to the site area as provided for in Article 53 paragraph 1 item (1) of the Building Standard Law and the minimum required distance from the external wall of buildings to the party line of the site as provided for in Article 54 of the same Law (as regards the minimum required distance from the external wall provided for in the said Article, the requirement is limited to the cases where it is necessary for conserving the good dwelling environment of one- and two-storied houses);

c. Exclusive industrial district: Ratio of the building area of buildings to the site area as provided for in Article 53 paragraph 1 item (1) of the Building Standard Law;

d. Height zone: Maximum or minimum limit of the height of buildings;

e. High utilization zone: Maximum and minimum limits of the ratio of the total floor area of buildings to the site area, maximum limit of the ratio of the building area of buildings to the site area, minimum limit of the building area of buildings and restriction on the location of the wall surface of buildings (the location of the wall surface on which the restriction is to be imposed is limited to the location of the wall surface facing the road concerned in cases where it is necessary to secure within the site an effective space adjacent to a road ((including the city planning road fixed in the city plan; hereinafter the same in this item)) for the purpose of promoting the improvement of the environment of the built-up area; the same in paragraph 11 of the next Article);

f. Specified block: Ratio of the total floor area of buildings to the site area, maximum limit of the height of buildings and restriction concerning the location of the walls of buildings.

(3) Other matters fixed by the relevant Cabinet Order.

3 Matters which should be fixed in the city plan for category 2 agricultural areas reserved in the urbanization promotion area not provided for in the preceding paragraph shall be fixed elsewhere by law.

Article 9. The category 1 exclusive residential district is a district designated for conservation of the good dwelling environment for one- and two-storied houses.

2 The category 2 exclusive residential district is a district designated for conservation of the good dwelling environment for three and more storied houses.

3 The residential district is a district designated mainly for conservation of the dwelling environment.

4 The neighborhood commercial district is a district designated for promotion of convenience for conducting commercial and other kinds of business whose main substance is supplying of daily necessities to the inhabitants of the residential areas in the neighborhood.

5 The commercial district is a district designated mainly for promotion of convenience for conducting commercial and other kinds of business.

6 The quasi-industrial district is a district designated mainly for promotion of convenience for industries which are not likely to deteriorate the environment.

7 The industrial district is a district designated mainly for promotion of convenience for industries.

8 The exclusive industrial district is a district designated for promotion of convenience for industries.

9 The special use zone is a zone designated within a use district for attainment of more effective use of land or for protection of the environment from the viewpoint of a special purpose.

10 The height zone is a zone designated within a use district for which the maximum or minimum height of buildings is fixed for maintenance of decent environment of the built-up area or for higher utilization of land.

11 The high utilization zone is a zone in which the maximum and minimum limits of the ratio of the total floor area of buildings to the site area, the maximum limit of the ratio of the building area of buildings to the site area, the minimum limit of the building area of buildings and the restriction on the location of the wall surface of buildings are fixed for promotion of rational and sound high utilization of land and improvement of urban functions of the built-up area within a use district.

12 The specified block is a block, designated within an area for which improvement or development of blocks is to be carried out for renewal and improvement of the built-up area, for which the ratio of the total floor area of buildings in the block to the area of the site is fixed and restrictions are placed as to the maximum height of the buildings and the location of their walls.

13 The fire-protection district and the quasi-fire-protection district are districts designated for prevention and elimination of fire hazards in the built-up area.

14 The aesthetic zone is a zone designated for maintenance of the good appearance of the built-up area.

15 The scenic zone is a zone designated for maintenance of the scenic beauty of the urban area.

16 The port zone is a zone designated for management and administration of a harbor.

Article 10. Concerning buildings and other structures in the districts and zones, restrictions not given specifically in this Law shall be provided for by separate law.

(Project Expediting Area)

Article 10 - 2. In a city plan shall be fixed the areas necessary for the city planning area concerned out of the areas listed in the items below:

(1) Built-up area redevelopment expediting area provided for in Article 7 paragraph 1 of the Urban Renewal Law (Law No. 38 of 1969);

(2) Land readjustment expediting area provided for in Article 5 paragraph 1 of the Special Measures Law for Facilitating Supply of Residential Land etc. in Major Metropolitan Areas (Law No. 67 of 1975);

(3) Residential-block construction expediting area provided for in Article 24 paragraph 1 of the Special Measures Law for Facilitating Supply of Residential Land etc. in Major Metropolitan Areas.

2 With regard to the project expediting areas, besides the kind, name, location and areal limits of the project expediting area and other matters fixed by the relevant Cabinet Order, matters fixed elsewhere by law shall be fixed in the city plan.

3 Restrictions regarding construction of buildings and other acts within the project expediting area shall be fixed elsewhere by law.

(Urban Facilities)

Article 11. In a city plan shall be fixed the facilities necessary for the city planning area concerned out of the facilities listed in the items below. In this connection, such facilities may also be fixed for an area outside the city planning area concerned in case it is specially necessary.

(1) Roads, urban rapid-transit railroads, parking places, motor vehicle terminals and other traffic facilities;

(2) Parks, green areas, plazas, cemeteries and other open spaces for public use;

(3) Waterworks, electricity supply facilities, gas supply facilities, sewerage systems, filth treating facilities, refuse incinerating facilities and other supply and treatment facilities;

(4) Rivers, canals and other waterways;

(5) Schools, libraries, research facilities and other educational and cultural facilities;

(6) Hospitals and clinics, nursery schools and other medical and social welfare facilities;

(7) Markets, slaughter-houses and crematories;

(8) Group housing facilities (dwellings for 50 or more families per housing estate 1 hectare or more in area and passages and other facilities attached to them);

(9) Group government and public office facilities (buildings of national agencies or local public bodies built in a group on a tract of land and passages and other facilities attached to them);

(10) Distribution business centers; and

(11) Other facilities fixed by the relevant Cabinet Order.

2 With regard to each of the urban facilities, the kind, name, location, extent and other matters provided for by Cabinet Order shall be fixed in the city plan.

3 Matters which should be fixed in the city plan for distribution business centers not provided for in this Law shall be fixed elsewhere by law.

4 With regard to the urban facilities enumerated below, the project executor-to-be of the city planning project for the urban facilities concerned may be designated in the city plan from among State organs or local public bodies in the case of urban facilities mentioned in item (1) or (2) and from among the bodies prescribed in Article 10 of the Law concerning Construction of Distribution Business Centers in the case of urban facilities mentioned in item (3), except in cases where the designation is provided for in Article 12 - 3 paragraph 1.

(1) Housing facilities comprising an estate with an area of 20 hectares or more;

(2) Government and public office facilities built in a group;

(3) Distribution business center.

5 A city plan for urban facilities for whose construction the project executor-to-be has been designated under the provision of the preceding paragraph cannot be changed to be a city plan in which the project executor-to-be is not designated.

(Built-Up Area Development Projects)

Article 12. In a city plan shall be fixed the projects necessary for the city planning area concerned out of the projects given in the items below:

(1) Land readjustment project under the Land Readjustment Law (Law No. 119 of 1954);

(2) New residential built-up area development project under the New Residential Built-Up Area Development Law (Law No. 134 of 1963);

(3) Industrial estate development project under the Law concerning Development of Suburban Development Areas and Urban Development Areas in the National Capital Region (Law No. 98 of 1958) and industrial estate development project under the Law concerning Development of Suburban Development Areas and Urban Development Areas in the Kinki Region (Law No. 145 of 1964);

(4) Built-up area redevelopment project under the Urban Renewal Law;

(5) New-city base development project under the Law for Development of the Bases of New Cities (Law No. 86 of 1972); and

(6) Residential-block construction project under the Special Measures Law for Facilitating Supply of Residential Land etc. in Major Metropolitan Areas.

2 With regard to the built-up area development project, the kind of project, its name, area of project execution and other matters provided for by the relevant Cabinet Order shall be fixed in the city plan.

3 With regard to the land readjustment project, matters involving the location of public facilities and the development of building lots as well as those to be fixed according to the provisions of the preceding paragraph shall be fixed in the city plan.

4 Matters not provided for in this Law which should be fixed in the city plan for a built-up area development project other than the land readjustment project shall be fixed elsewhere by law.

5 In connection with the built-up area development projects mentioned in paragraph 1 items (2), (3) and (5), the project executor-to-be of the built-up area development project concerned may be designated in the city plan from among the bodies designated as project executors in the respective laws concerning these projects (excluding Article 45 paragraph 1 of the New Residential Built-Up Area Development Law), except in cases where the designation is provided for in Article 12 - 3 paragraph 1.

6 A city plan for a built-up area development project for which the executor-to-be has been designated under the provision of the preceding paragraph cannot be changed to be made a city plan in which the project executor-to-be is not designated.

(Area Where a Built-Up Area Development Project etc. Is to Be Undertaken)

Article 12 - 2. In a city plan shall be fixed such areas where built-up area development projects etc. are to be undertaken as are necessary for the city planning area concerned out of the areas given in the items below:

(1) Area where a new residential built-up area development project is to be undertaken;

(2) Area where an industrial estate development project is to be undertaken;

(3) Area where a new-city base development project is to be undertaken;

(4) Area where a project of housing facilities comprising an estate with an area of 20 hectares or more is to be undertaken;

(5) Area where a project of government and public office facilities built in a group is to be undertaken;

(6) Area where a distribution business center project is to be undertaken.

2 With regard to each of the areas where built-up area development projects etc. are to be undertaken, the kind of area, its name, extent, project executor-to-be and other matters provided for by the relevant Cabinet Order shall be fixed in the city plan.

3 As regards the project executor-to-be, in the case of the projects in the areas mentioned in paragraph 1 items (1) to (3) and item (6), it shall be designated from among the bodies designated as project executors in the respective laws concerning these projects or facilities (excluding Article 45 paragraph 1 of the New Residential Built-Up Area Development Law), and in the case of the projects in the areas mentioned in paragraph 1 items (4) and (5), it shall be designated from among State organs or local public bodies.

4 When the city plan concerning an area where a built-up area development project etc. is to be undertaken is decided, the city plan for the built-up area development project or for the urban facility construction in the area where the built-up area development project etc. is to be undertaken shall be fixed within three years counting from the day on which the notification concerning the city plan concerned is issued under the provision of Article 20 paragraph 1.

5 When the city plan for the built-up area development project or for the urban facility construction in the area where the built-up area development project etc. is to be undertaken is fixed within the period mentioned in the preceding paragraph, the city plan concerning the area where the built-up area development project etc. is to be undertaken shall lose its validity for the future after the lapse of ten days counting from the day following the day on which the notification concerning the city plan concerned is issued under the provision of Article 20 paragraph 1, and in case the city plan for the built-up area development project or for the urban facility construction is not fixed within the period mentioned in the preceding paragraph, the city plan concerning the area concerned shall lose its validity for the future from the day following the day on which the period mentioned in the preceding paragraph expires.

(Matters to Be Fixed in City Plan for Built-Up Area Development Project or for Urban Facility Construction in Area Where Built-Up Area Development Project etc. Is to Be Undertaken)

Article 12 - 3. In the city plan for a built-up area development project or for urban facility construction in the area where the built-up area development project etc. is to be undertaken shall be fixed the project executor-to-be among other matters.

2 The project area or area and the project executor-to-be of the city plan referred to in the preceding paragraph shall be the area and the project executor-to-be fixed in the city plan for the area where the built-up area development project etc. concerned is to be undertaken.

(Standards of City Plan)

Article 13. A city plan shall conform to the National Comprehensive Development Plan, the National Capital Region Development Program, the Kinki Region Development Program, the Chūbu Region Development Program, the Hokkaido Comprehensive Development Program, the Okinawa Development Program, the Regional Comprehensive Development Programs, the prefectural comprehensive development programs and other plans and programs based on any of the laws concerning national or local planning and to the State's programs concerning the facilities involving roads, rivers. railroads, ports, airports, etc. and it shall unifiedly and coordinatedly fix such matters concerning land use, construction of urban facilities and built-up area development projects as are necessary for sound growth and systematic development of the city concerned, considering the characteristics of the city and in conformity with the provisions given in the following items: In this connection, if an environmental pollution control plan has been established in the city concerned, the city plan shall conform to the control plan.

(1) The division of a city planning area into the urbanization promotion area and the urbanization control area be made by considering the development trend of the city and the prospects of population and industries in the city planning area concerned and looking to the harmony between the convenience for industrial activities and preservation of good residential environment so as to ensure rational use of land and facilitate efficient public investments.

(2) The districts and zones be fixed by proper allocation of land to residential, commercial, industrial and other uses considering the natural conditions of the land and the trend of land use so as to attain maintenance and improvement of the urban functions as well as proper conservation of urban environment involving conservation of the residential environment, promotion of the convenience to commerce, industry, etc., maintenance of the beauty of landscape, prevention of harm to the public, etc. In this case, at least the designation of the use districts shall be made for the urbanization promotion area, and no use districts shall be designated in principle for the urbanization control area.

(3) Project expediting area be fixed principally for the area of land, in an urbanization promotion area, where it is deemed necessary to expedite planned improvement or development of a built-up area by the entitled person concerned.

(4) Urban facilities be so fixed as to ensure smooth urban activities and concurrently preserve good urban environment, by locating facilities of proper scales at necessary places considering the present situation and future prospect of land use, traffic, etc. In this case, at least roads, parks and sewerage systems shall be fixed for the urbanization promotion area and compulsory education facilities for the category 1 exclusive residential district, category 2 exclusive residential district and residential district.

(5) The built-up area development project be fixed for such an area within the urbanization promotion area as should be unifiedly developed or improved.

(6) With regard to the area where the built-up area development project etc. is to be undertaken, in case it is concerned with the built-up area development project, land within the urbanization promotion area needing unified and coordinated development or improvement be designated as such, and in case it is concerned with the urban facility, land where the urban facility concerned will come up to the standard fixed in the first part of item (4) be designated as such.

(7) In application of the standards stated in the preceding items, the results of the basic surveys for city planning conducted under the provision of Article 6 paragraph 1 be made the basis and consideration be given to the results of surveys on the population, industry, housing, building, traffic, factory location, etc. conducted by the Government in accordance with law.

2 In a city plan shall be fixed plans concerning construction of housing and improvement of residential environments so that the inhabitants of the city concerned may enjoy wholesome and cultured urban life.

3 Standards not provided for in the preceding two paragraphs which are necessary for working out city plans concerning the districts and zones listed in Article 8 paragraph 1 item (8) and items (10) to (14) inclusive, concerning project expediting areas, concerning distribution business centers, concerning built-up area development projects and concerning the area where the built-up area development project etc. is to be undertaken (except the areas mentioned in Article 12 - 2 paragraph 1 items (4) and (5)) shall be fixed by separate laws.

4 Necessary technical standards for working out city plans shall be fixed by Cabinet Order.

(Drawings and Document of City Plan)

Article 14. A city plan shall be shown by means of a general drawing, project drawing and written project plan in accordance with the provisions of the relevant Ministry of Construction Ordinance.

2 The limits of the urbanization promotion area, the limits of the districts and zones, the limits of the project expediting area, the limits of the city planning facilities, the limits of the area for built-up area development project execution and the limits of the area where the built-up area development project etc. is to be undertaken shall be so indicated in the project drawing and written project plan as to make it possible for any person who has a right concerning land to easily judge whether or not the land concerning which he has the right is contained in any of the areas.

Section 2. Decision and Alteration of City Plan

(Person Who Fixes City Plan)

Article 15. The following city plans shall be fixed by the prefectural governor concerned, while other city plans shall be fixed by the head of the city, town or village concerned:

(1) City plan involving an urbanization promotion area and/or an urbanization control area;

(2) City plan involving any of the districts and zones enumerated in Article 8 paragraph 1 items (9) to (12) inclusive (in the case of the zone mentioned in item (11) of the same paragraph, the suburban green space special preservation zone mentioned in Article 4 paragraph 2 item (3) of the Law concerning Preservation of Green Zones in Suburban Areas of the National Capital Region (Law No. 101 of 1966) and the suburban green space special preservation zone mentioned in Article 6 paragraph 2 of the Law concerning Conservation of the Preservation Areas in the Kinki Region (Law No. 103 of 1967));

(3) City plan involving any of the districts and zones, urban facilities and basic urban facilities enumerated in the relevant Cabinet Order as those to be fixed from the viewpoint of a wide area beyond the area of one city, town or village;

(4) City plan involving a built-up area development project (except a small-scale land readjustment project fixed by Cabinet Order);

(5) City plan involving an area where a built-up area development project is to be undertaken.

2 In case a city plan falling under item (3) of the preceding paragraph has come not to fall under the same item or in case a city plan not falling under the same item has come to fall under the same item owing to amalgamation of cities, towns and villages or to any other reason, the city plan shall be deemed to have been fixed by the city, town or village concerned or by the prefectural governor, respectively.

3 A city plan fixed by a city, town or village shall be based on the basic plan for the construction of the city, town or village fixed following the decision of the city, town or village assembly and conform to the city plan fixed by the prefectural governor.

4 If a city plan fixed by a city, town or village should conflict with a city plan fixed by the prefectural governor, the plan fixed by the prefectural governor shall govern so long as the conflict is concerned.

(Holding of Public Hearing, etc.)

Article 16. When the prefectural governor or a city, town or village intends to prepare a draft of a city plan, he or it shall, if it is deemed necessary, take steps, such as holding of a public hearing, necessary for reflection of the opinion of the inhabitants.

(Opening Draft City Plan to Public Inspection, etc.)

Article 17. When the prefectural governor or a city, town or village intends to decide on a city plan, he or it shall, prior to the decision and according to the provisions of the relevant Ministry of Construction Ordinance, give out a notice to that effect and throw the draft city plan open to public inspection for two weeks from the day of giving out the notice.

2 When the notice according to the provision of the preceding paragraph has been given out, any of the inhabitants of the cities, towns and villages concerned and the interested parties may submit a written opinion any time before expiration of the period of the opening of the plan to the public about the draft city plan which has been thrown open to public inspection to the prefectural governor if it has been prepared by the prefectural governor or to the city, town or village if it has been prepared by the city, town or village.

3 With regard to a draft city plan involving a specified block, consent of the interested parties fixed by the relevant Cabinet Order shall be obtained.

4 For the draft of a city plan in which is designated the project executor-to-be of the city planning project, the consent of the executor-to-be concerned shall be obtained. However, this shall not apply to the matters to which the provisions of Article 12 - 3 paragraph 2 apply.

(Decision of City Plan by Prefectural Governor)

Article 18. The prefectural governor shall decide on a city plan only after hearing the opinions of the cities, towns and villages concerned and through deliberation of the Local City Planning Council.

2 When the prefectural governor intends to submit a draft city plan to the deliberation by the Local City Planning Council according to the provision of the preceding paragraph, he shall submit to the Local City Planning Council essentials of the written opinions submitted under the provision of paragraph 2 of the preceding Article.

3 When the prefectural governor intends to decide on a city plan for a city planning area involving a big city and the cities around it or for any other city planning area fixed by the relevant Cabinet Order (except small-scale plan fixed by the Cabinet Order as such) or such a city plan closely related to the national interest as is fixed by Cabinet Order as such, he shall beforehand obtain the permission of the Minister of Construction, in accordance with the provisions of the relevant Ministry of Construction Ordinance.

(Decision of City Plan by City, Town or Village)

Article 19. The city, town or village shall obtain the approval of the prefectural governor for deciding on a city plan.

2 When the prefectural governor intends to give the approval referred to in the provision of the preceding paragraph, he shall first refer it to the Local City Planning Council for deliberation.

(Notification of City Plan, etc.)

Article 20. Upon deciding on a city plan, the prefectural governor or the city, town or village shall issue a notification to that effect. In case the decision is made by the prefectural governor, he shall forward copies of the drawings and the written project plan prescribed in Article 14 paragraph 1 to the Minister of Construction and to the heads of the cities, towns and villages concerned, and in case the decision is made by the city, town or village, it shall forward them to the Minister of Construction and to the prefectural governor concerned, as the case may be.

2 The prefectural governor and the head of the city, town or village shall throw the drawings and the written project plan or copies thereof mentioned in the preceding paragraph open to public inspection at the office of the prefecture or of the city, town or village, in accordance with the provisions of the relevant Ministry of Construction Ordinance.

3 A city plan comes into effect on the day of its notification under the provision of paragraph 1.

(Change of City Plan)

Article 21. In case the area of the city plan has been changed, in case it has become evident that the city plan should be revised as a result of the basic survey concerning city planning under Article 6 paragraph 1 or the surveys conducted by the Government under the provision of Article 13 paragraph 1 item (7), or in case it has become necessary to change the city plan for any other reason, the prefectural governor or the city, town or village shall without delay change the city plan.

2 The provisions of Article 17 through the preceding Article inclusive shall apply mutatis mutandis to the changes of city plans (except slight alterations fixed by the relevant Cabinet Order in the application of the provisions of Article 17 and Article 18 paragraphs 2 and 3). In this connection, in case of a change of a city plan involving change of the person who is to be the project executor, "the project executor-to-be" in Article 17 paragraph 4 shall read "the original project executor-to-be and the new project executor-to-be".

(City Plan Fixed by Minister of Construction)

Article 22. A city plan covering an area extending over two or more prefectures shall be fixed by the Minister of Construction and the cities, towns and villages concerned. In this connection, "the prefectural governor" in Article 15, Article 17 paragraphs 1 and 2, Article 18 paragraphs 1 and 2, Article 19 and paragraph 1 of the preceding Article shall read "the Minister of Construction"; "the prefectural governor or" in Article 20 paragraph 1 shall read "the Minister of Construction or"; "In case the decision is made by the prefectural governor, ...to the Minister of Construction" in the same paragraph shall read "In case the decision is made by the Minister of Construction, ... to the prefectural governors concerned"; and "the drawings and the written project plan or copies thereof mentioned in the preceding paragraph" in paragraph 2 of the same Article shall read "copies of the drawings and the written project plan mentioned in the preceding paragraph."

2 The Minister of Construction shall fix a city plan on the basis of plans drafted by the prefectural governors concerned.

3 The transitory measures which should be taken in cases where owing to prefectural amalgamation or for some other reason the area of a city plan extending over two or more prefectures has come to be an area within one prefecture or the area of a city plan within one prefecture has come to be an area extending over two or more prefectures shall be fixed by Cabinet Order.

(Coordination with Other Administrative Organs, etc.)

Article 23. When the Minister of Construction intends to fix or approve a city plan involving an urbanization promotion area, or when the prefectural governor intends to fix a city plan involving an urbanization promotion area (except plans for which the approval of the Minister of Construction is required), the Minister of Construction or the prefectural governor shall previously consult with the Minister of Agriculture and Forestry.

2 The Minister of Construction shall, when he intends to fix or approve a city plan involving an urbanization promotion area, hear the opinions of the Director General of the Environment Agency, the Minister of International Trade and Industry and the Minister of Transportation beforehand.

3 The Minister of Health and Welfare may, when he deems it necessary, offer his opinion to the Minister of Construction concerning a city plan involving an urbanization promotion area and concerning a city plan involving a use district.

4 A city plan involving a port zone shall be fixed on the basis of a plan offered by the port administrator mentioned in Article 2 paragraph 1 of the Harbor Law (Law No. 218 of 1950).

5 When the Minister of Construction intends to fix or approve a city plan involving an urban facility, he shall consult previously with the head of the national administrative organ having the authority for disposition such as giving the licence, permission, approval, etc. concerning the establishment or operation of the urban facility concerned.

6 When the Minister of Construction, the prefectural governor or a city, town or village intends to fix a city plan involving an urban facility, or a city plan involving an area where a built-up area development project connected with an urban facility is to be undertaken, he or it shall consult previously with the person who is to be the administrator of the urban facility and/or other person fixed by Cabinet Order.

(Instructions of Minister of Construction, etc.)

Article 24. The Minister of Construction may, when he deems it necessary concerning a matter closely related to the national interest, give instructions to the prefectural governor, or to the city, town or village through the prefectural governor, to the effect that he or it should within a fixed time limit take steps necessary for designation of the city planning area or for decision or alteration of the city plan. In this case, the prefectural governor or the city, town or village must obey the instructions unless there is a justifiable reason.

2 The head of an administrative organ of the State may, concerning a matter under its jurisdiction which may seriously affect the national interest, request the Minister of Construction to give instructions as mentioned in the preceding paragraph.

3 The provisions of paragraphs 1 and 2 of the preceding Article shall apply mutatis mutandis in the case of giving instructions of paragraph 1 concerning a city plan involving an urbanization promotion area and those of paragraph 5 of the same Article in the case of giving instructions as mentioned in paragraph 1 concerning a city plan involving an urban facility.

4 In case the prefectural governor or the city, town or village has failed to take the necessary steps required by the instructions given according to the provision of paragraph 1 by the fixed time without justifiable reason, the Minister of Construction may, after obtaining the confirmation of the Central City Planning Council that there is no justifiable reason for the delay, take such steps himself. With regard to the steps to be taken by the city, town or village, however, the Minister of Construction shall make the prefectural governor take such steps in his behalf except in case he deems it necessary to take such steps himself.

5 The prefectural governor may, if he deems it necessary, order the city, town or village to take necessary steps for deciding on or changing the city plan within the period he fixes.

6 When it is necessary for deciding on or changing a city plan, the prefectural governor may, of his own accord or according to the request of the city, town or village concerned, put forth his opinion to the head of the administrative organ of the State concerned concerning the working out or changing of such a one of the national and local planning plans and programs or the State's programs for facilities mentioned in Article 13 paragraph 1 as involves a city planning area.

7 When the opinion referred to in the preceding paragraph has been put forth, the head of the State's administrative agency concerned shall decide on the matter, and notify the prefectural governor of the result.

(Entry for Investigation)

Article 25. The Minister of Construction, the prefectural governor, or the head of the city, town or village may, when surveying or investigation by entering land occupied by any person for deciding on or changing a city plan is necessary, enter the occupied land or make a third person enter it by ordering or commissioning him to do so, within the limit of necessity.

2 Any person who intends to enter land occupied by another person under the provision of the preceding paragraph shall notify the land occupant of it three days prior to that day at latest.

3 Any person who intends to enter land occupied by another person where there is a building or which is enclosed by a fence or the like under the provision of paragraph 1 shall inform the land occupant of it just before the entrance.

4 No entrance of the land referred to in the preceding paragraph shall be made before sunrise or after sunset except when approval of the land occupant has been obtained.

5 The land occupant shall not refuse or prevent the entrance under the provision of paragraph 1 unless there is good reason.

(Removal of Obstacles, Prospecting of Land, etc.)

Article 26. When the person who under the provision of paragraph 1 of the preceding Article conducts surveying or investigation by entering land occupied by another person intends under imperative necessity to fell or remove plants, fences, etc. impeding his act (hereinafter referred to as "obstacles"), or to conduct prospecting or boring on the land or to fell or remove obstacles for that purpose (hereinafter referred to as "prospecting etc."), if he cannot obtain the consent of the owner and the user of the obstacles and of the owner and the occupant of the land, he may fell or remove the obstacles by obtaining the permission of the head of the city, town or village having jurisdiction over the land where the obstacles are located or conduct prospecting etc. by obtaining the permission of the prefectural governor having jurisdiction over the land concerned. In this connection, when the head of the city, town or village intends to give the permission, he must give the owner and the user of the obstacles a chance to express their opinions previously; and when the prefectural governor intends to give the permission, he must give such chance to the owner and occupant of the land and the owner and user of the obstacles.

2 The person who intends to remove the obstacles or to conduct prospecting etc. according to the provision of the preceding paragraph shall inform the owner and the user of the obstacles or the owner and the occupant of the land of his intention three days prior to the day of the intended removal or prospecting etc. at latest.

3 When felling or removing of obstacles under the provision of paragraph 1 (except felling or removing of obstacles in connection with prospecting or boring of land) is intended, if it is difficult to obtain the consent of the owner and the user of the obstacles owing to their absence from the place and at the same time the felling or removal will cause no great damage to the status quo, the Minister of Construction, the prefectural governor or the city, town or village or the person ordered or commissioned thereby may, by obtaining the permission of the head of the city, town or village having jurisdiction over the area where the obstacles are located, immediately fell or remove the obstacles, notwithstanding the provisions of the preceding two paragraphs. In this case, he shall without delay inform the owner and the user of the fact when he has felled or removed the obstacles.

(Carrying of Certificate etc.)

Article 27. The person who intends to enter land occupied by another person under the provision of Article 25 paragraph 1 shall carry with him his identification card.

2 The person who intends to fell or remove obstacles or conduct prospecting etc. under the provision of paragraph 1 of the preceding Article shall carry with him his identification card and the written permission of the head of the city, town or village or of the prefectural governor.

3 The identification card and the written permission prescribed in the provisions of the preceding two paragraphs shall be shown whenever requested by any of the parties concerned.

(Compensation for Loss Caused by Entry of Land etc.)

Article 28. In case an act under the provision of Article 25 paragraph 1 or Article 26 paragraph 1 or 3 has caused a loss to another person, the Minister of Construction, the prefectural governor or the city, town or village concerned shall compensate the loss sufferer for the loss caused which will normally be caused in such cases.

2 With respect to the compensation under the provision of the preceding paragraph, consultation shall be held between the loss inflictor and the loss sufferer.

3 In case no agreement is reached by consultation under the provision of the preceding paragraph, the loss inflictor or the loss sufferer may make application for ruling to the Expropriation Committee under the provision of Article 94 paragraph 2 of the Land Expropriation Law (Law No. 219 of 1951), in accordance with the provisions of the relevant Cabinet Order.

CHAPTER III. RESTRICTIONS IN CITY PLANNING

Section 1. Regulation of Development etc.

(Permission of Land Development)

Article 29. Any person who intends to undertake land development in the urbanization promotion area or the urbanization control area shall obtain the permission of the prefectural governor beforehand in accordance with the provisions of the relevant Ministry of Construction Ordinance. However, the same shall not apply to the land development projects listed below:

(1) Land development project undertaken in the urbanization promotion area whose scale does not exceed the scale fixed by Cabinet Order;

(2) Land development project undertaken in the urbanization control area for the purpose of constructing such kinds of buildings for agriculture, forestry or fishery as are fixed by Cabinet Order or buildings for dwelling of persons engaged in such business;

(3) Land development project undertaken for the purpose of building a station or other railway facility, a social welfare facility, a medical facility, a school according to the School Education Law (Law No. 26 of 1947) (except university, specialized school and non-regular school), or a citizens' hall, a transformer substation or a similar building necessary for the public benefit which is fixed by Cabinet Order;

(4) Land development project undertaken by the State, a prefecture, a designated city defined in Article 252-(19) paragraph 1 of the Local Autonomy Law (Law No. 67 of 1947) (hereinafter referred to simply as a "designated city"), such an association or port service office with which prefectures or designated cities are associated as is entrusted with a part of their business or a local development agency established by a prefecture or a designated city;

(5) Land development undertaken as execution of a city planning project;

(6) Land development undertaken as execution of a land readjustment project;

(7) Land development undertaken as execution of a built-up area redevelopment project;

(8) Land development undertaken as execution of a residential-block construction project;

(9) Land development undertaken on a reclaimed land for which the permission under Article 2 paragraph 1 of the Public Waters Reclamation Law (Law No. 57 of 1921) has been obtained but no notification under Article 22 paragraph 2 of the same Law has yet been given;

(10) Land development undertaken as an emergency measure necessitated in case of an unexpected disaster;

(11) Such normal act of management, minor act or other act as is fixed by Cabinet Order.

(Procedure of Application for Permission)

Article 30. A person who wishes to obtain the permission prescribed in the preceding paragraph (hereinafter referred to as the "land development permission") shall submit to the prefectural governor an application in which the following matters are described, in accordance with the provisions of the relevant Ministry of Construction Ordinance:

(1) Location, extent and scale of the land development area (development area and its sections if the former is divided into sections for work execution);

(2) Use of the buildings or special structures scheduled to be built in the land development area (hereinafter referred to as "buildings etc. to be built");

(3) Design connected with the land development (hereinafter referred to as "design");

(4) Work executor (means either the contractor of the work connected with the land development or the person who executes the work himself without putting out the work to contract; hereinafter the same);

(5) Other matters fixed by the relevant Ministry of Construction Ordinance.

2 To the written application referred to in the preceding paragraph shall be attached a document certifying that the consent prescribed in Article 32 has been obtained, a document describing the progress of the consultation prescribed in the same Article and other drawings and documents fixed by the relevant Ministry of Construction Ordinance.

(Qualification of Designer)

Article 31. In connection with the provisions of the preceding Article, the design drawings and documents (means drawings necessary for executing the works fixed by the relevant Ministry of Construction Ordinance out of the works connected with the land development ((except full size drawings and the like)) and specifications) shall be those prepared by a person having the qualifications provided for by the relevant Ministry of Construction Ordinance.

(Consent of Public Facility Administrator, etc.)

Article 32. A person who intends to apply for the development permission shall previously obtain the consent of the administrators of the public facilities related with the land development, and besides consult with the person who is to be the administrator of the public facility to be established by execution of the land development or of work connected with the land development and with the other persons fixed by Cabinet Order.

(Conditions of Permitting Land Development)

Article 33. Upon receipt of an application for the development permission, the prefectural governor shall permit the land development if he judges the land development applied for conforms to the conditions prescribed in the following items (in case of land development for building on the developed site a house intended for the builder's own dwelling use or a building other than a dwelling which the builder intends to use for his business or construction of a category 1 special structure which he intends to use for his business, items (1), (3), (6), (8) to (10) inclusive and (13), in case of land development for construction of a category 2 special structure which the builder intends to use for his business, items (3), (6), (8), (10) and (13), and in case of land development for construction of a category 2 special structure intended mainly for other purpose, items (3), (4), (6) to (8) inclusive and (10) to (13) inclusive) and at the same time the procedure of the application is not in contravention of any of the provisions of this Law and the orders issued on the basis of this Law.

(1) If, in the area for whose development application has been made, the use district, the distribution business zone or the division given in Article 39 paragraph 1 of the Harbor Law (hereinafter referred to as "the use district etc.") is fixed, the use of the building etc. to be built be in conformity to the established purpose;

(2) The road, park, open space and other vacant space for public use (including the reservoir facility intended for fire service which is built in case sufficient water for fire service is difficult to secure otherwise) be of scale and construction which will cause no inconvenience from the viewpoints of environmental protection, disaster prevention, traffic safety and the efficiency of business activity considering the undermentioned items and be properly located, and the main road in the land development area be so designed as to connect with a considerably big road outside of the area. In this connection, if the city plan of the vacant space has been fixed, the design be in conformity with it.

a. Scale and shape of the land development area and the conditions of its surroundings;

b. Topography of the land of the land development area and nature of the ground;

c. Use of the building etc. to be built;

d. Scale of site and plot plan of the building etc. to be built.

(3) The sewer and other drainage facilities be so designed considering the undermentioned matters as to have a construction and capacity which will allow effective carrying off of the sewage defined in Article 2 item (1) of the Sewerage Law (Law No. 79 of 1958) in the development area and which will not cause any damage in the land development area and the area surrounding it by inundation etc. and be properly laid out. In this connection, the design be in conformity with the city plan concerning the drainage facilities if it has been fixed:

a. Precipitation in the area concerned;

b. The matters mentioned in sub-items a to d inclusive of the preceding item and the conditions of the place into which the water is to be discharged.

(4) The waterworks and other water supply facilities be so designed considering the matters mentioned in item (2) sub-items a to d inclusive as to have a construction and capacity which will meet the anticipated demands in the land development area concerned and to be laid out properly. In this connection, the design be in conformity with the city plan concerning the water supply facilities if it has been fixed.

(5) The distribution of the uses of the public facilities, schools and other facilities for the public good and of the buildings to be built in the land development area be so fixed as to add to the promotion of convenience in the land development area and to the conservation of the good environment of the land development area and its neighboring area, considering the purpose of the land development.

(6) If the land within the land development area is land of weak ground, land subject to landslides or floods or land similar thereto, the development design include taking of necessary steps such as ground improvement, setting up of retaining walls, etc.

(7) There be included in the development area no land in any disaster hazard area designated under Article 39 paragraph 1 of the Building Standard Law, no land in any landslide prevention area designated under Article 3 paragraph 1 of the Landslide etc. Prevention Law (Law No. 30 of 1958) or no land in any area designated by Cabinet Order as an area not suited for land development. However, the same shall not apply if it is deemed that the land development will not cause any hindrance because of the conditions of the land development area and the area surrounding it and other conditions.

(8) In case of land development beyond the scale fixed by the relevant Cabinet Order, the development design, in order to protect the environment of the development area and its neighboring area, include taking of necessary steps such as preservation of trees and conservation of surface soil which are needed for ensuring growth of plants in the development area, considering the purpose of the land development and the matters enumerated in item (2) sub-items a to d inclusive.

(9) In case of land development beyond the scale fixed by the relevant Cabinet Order, the development design, in order to protect the environment of the development area and its neighboring area, include setting up of green zones and other buffer zones necessary for preventing deterioration of the environment by noises, vibrations, etc., considering the matters enumerated in item (2) sub-items a to d inclusive.

(10) In case of land development beyond the scale fixed by the relevant Cabinet Order, the development concerned be deemed to cause no hindrance from the viewpoint of the convenience of transport by roads, railways, etc.

(11) The applicant have enough fund and credit to carry out the land development.

(12) The work executor have capability sufficient to complete the work for the land development.

(13) Consent have been obtained from a considerable number of persons who have such rights which may prevent the execution of the land development concerned or the execution of works connected with the development concerned as involve the land within the area of the land where the development concerned is to be executed or the land where works connected with the development are to be executed or involve existing buildings or other structures on such land.

2 Detailed technical provisions necessary for applying the standards prescribed in the items of the preceding paragraph shall be fixed by Cabinet Order.

3 With regard to land development to be executed on a reclaimed land for which the notification under Article 22 paragraph 2 of the Public Waters Reclamation Law has been made, if the conditions for permission mentioned in Article 2 of the same law involving the reclaimed land contain any provisions concerning the matters involved in the provisions of the items of paragraph 1, the former provisions shall be used as the standards for permitting the land development, and the standards provided for in the items of paragraph 1 shall apply only when they do not contradict the said conditions.

4 With regard to the conditions of permitting land development in the built-up area redevelopment expediting area, conditions not provided for in paragraph 1 shall be fixed elsewhere by law.

Article 34. With respect to land development in an urbanization control area (except land development executed mainly for construction of a category 2 special structure), the prefectural governor shall not, notwithstanding the provision of the preceding Article, permit the land development unless he deems that not only the land development applied for and the procedure of the application conform to the requisites fixed in the same Article but also the land development applied for falls under one of the following items:

(1) Development for the purpose of using the developed land for constructing there a store, workshop or similar building for selling, processing or repairing commodities necessary for the everyday life of the inhabitants of the areas in and around the land development area concerned;

(2) Development for the purpose of using the developed land for constructing there a building or a category 1 special structure necessary for effectively utilizing the mineral resources, sightseeing resources or other resources in the urbanization control area;

(3) Development for the purpose of using the developed land for constructing there a building or a category 1 special structure for a project fixed by the relevant Cabinet Order for which special conditions of temperature, humidity, air, etc. are required and at the same time whose construction in the urbanization promotion area is difficult owing to the necessity of meeting the said special conditions;

(4) Development for the purpose of using the developed land for constructing there a building for use of agriculture, forestry or fishery (except building fixed by the relevant Cabinet Order mentioned in Article 29 item (2)), or a building or a category 1 special structure necessary for disposing, storing or processing agricultural, forest or marine products produced in the urbanization control area;

(5) Development for the purpose of using the developed land for constructing there a building or a category 1 special structure for a project which will add to the combined operation of business or the group location of factories, stores, etc. of smaller enterprises for which the prefecture extends assistance in concert with either the State or the Smaller Enterprise Promotion Agency;

(6) Development for the purpose of using the developed land for constructing there such a building or a category 1 special structure for an enterprise closely connected with an enterprise conducted in a factory facility within the urbanization control area being actually used for the industrial purpose as has to be built in the urbanization control area for improving the efficiency of the activities of both enterprises;

(7) Development for the purpose of using the developed land for constructing there such a building or a category 1 special structure intended for storing or disposing of dangerous materials fixed by the relevant Cabinet Order as is fixed by the relevant Cabinet Order as a building or category 1 special structure whose construction in the urbanization promotion area is inappropriate;

(8) Development for the purpose of using the developed land for constructing there a building or a category 1 special structure which, apart from those mentioned in the preceding items, is fixed by the relevant Cabinet Order as a building or a category 1 special structure whose construction in the urbanization promotion area is difficult or inappropriate;

(9) Development executed by such a person who, at the time when the city plan concerning the urbanization control area is fixed or when the city plan is changed and the area is enlarged, owns a land or holds a right other than ownership concerning the use of a land for the purpose of constructing there a building or category 1 special structure intended for his own dwelling or business, after informing the prefectural governor of the items fixed by the relevant Ministry of Construction Ordinance within six months reckoning from the decision or change of the city plan concerned, according to the purpose concerned and as exercise of his right concerning the land (development to be executed within the period fixed by the relevant Cabinet Order only);

(10) Apart from the kinds of development mentioned in the preceding items, development falling under either of the following sub-items on which deliberation has been made by the Land Development Council at the request of the prefectural governor:

a. Development of an area whose area (in case the area of development extends over an area within and without the limits of the urbanization control area, the entire area) is not less than the area fixed by the relevant Cabinet Order and at the same time the execution of which extending over the development area involved in the application is deemed to cause no hindrance to the planned urbanization in the city planning area concerned in the light of the actual situation of development and other circumstances in the development promotion area;

b. Development which is deemed not to accelerate the urbanization of the areas around the development area at the same time whose execution in the urbanization promotion area is considered difficult or extremely inappropriate.

(Notification of Granting or Not Granting of Permission)

Article 35. When the prefectural governor receives an application for land development permission, he shall, without delay, make the disposition of either granting or not granting the permission.

2 The disposition of the preceding paragraph by the prefectural governor shall be made by notification of his decision to the applicant concerned in writing. In this connection, in making the disposition of not granting the permission, the prefectural governor shall give the reasons therefor in the notification.

(Inspection of Completed Works)

Article 36. When the person who has received the land development permission completes the works for the development concerned (the works for the public facilities concerned in case such works are part of the land development works concerned) for the whole of the development area concerned (in case the development area is divided into work areas, each work area), he shall give notification to that effect to the prefectural governor in accordance with the provisions of the relevant Ministry of Construction Ordinance.

2 When the prefectural governor receives the notification of the preceding paragraph, he shall, without delay, make inspection to check whether or not the works concerned are in conformity with the contents of the land development permission, and if, as the result of the inspection, he deems that the works concerned are in conformity with the contents of the land development permission concerned, he shall grant the person who has received the land development permission concerned a certificate of inspection passed according to the form fixed by the relevant Ministry of Construction Ordinance.

3 When the prefectural governor has granted a certificate of inspection passed in accordance with the provision of the preceding paragraph, he shall without delay give public notice to the effect that the works concerned have been completed, in accordance with the provisions of the relevant Ministry of Construction Ordinance.

(Building Restriction etc.)

Article 37. No building or special structure shall be constructed on the land within the development area for which the land development permission has been granted until the time when the public notice of paragraph 3 of the preceding Article is given. However, this shall not apply in cases falling under either of the following two items:

(1) In case the construction is that of a temporary building or special structure to be used for executing the works connected with the development concerned or in case the prefectural governor deems that the construction will cause no inconvenience;

(2) In case a person who has not given the consent mentioned in Article 33 paragraph 1 item (13) constructs a building or special structure by exercising his rights.

(Discontinuance of Land Development)

Article 38. In case a person who has obtained the land development permission discontinues the works connected with the development, he shall without delay notify the prefectural governor of it in accordance with the provision of the relevant Ministry of Construction Ordinance.

(Administration of Public Facilities Established by Land Development and Works Connected Therewith)

Article 39. In case public facilities are established by the land development for which the land development permission is granted or by works connected with such development, the facilities shall, on the day following the day on which the public notice of Article 36 paragraph 3 is given, come under the administration of the city, town or village in which the facilities are located. However, if there is a separate administrator provided for by other law or when a special provision is made concerning the administrator by the agreement of Article 32, the facilities shall come under the administration of such person.

(Possession of Land Used for Public Facilities)

Article 40. In case a new public facility is to be established on the site of an existing public facility by the development for which the land development permission has been granted or by works connected with such development, such land used for the former facility as is owned by the State or a local public body shall become a property of the person who has obtained the land development permission concerned as of the day following the day of the public notice of Article 36 paragraph 3, and the land used for a new public facility established to replace the existing public facility shall as of that day become a property of the State or the local public body concerned as the case may be.

2 The land used for the public facility established by the development for which the land development permission has been granted or by works connected with such development, excluding the land provided for in the preceding paragraph and the land administered by the person who has obtained the land development permission, shall, as of the day following the day of the public notice of Article 36 paragraph 3, become a property of the person who is to administer the public facility concerned in accordance with the provision of the preceding Article (if that person is an organ of the State, the State, and if that person is an organ of a local public body, the local public body concerned).

3 When the land provided for the use of an arterial street constituting a city planning facility or of such other important public facility as is fixed by Cabinet Order in an urbanization promotion area becomes a property of the State or a local public body in accordance with the provision of the preceding paragraph, the former owner (the person owning the land concerned as of the day of the issue of the public notice of Article 36 paragraph 3) may, with respect to the bearing of the expenses for the change of possession concerned except in case a separate provision has been made by the agreement under Article 32, request the State or the local public body to bear the whole or a part of the amount of the expenses required for the acquisition of the land concerned, in accordance with the provisions of the relevant Cabinet Order.

(Fixing of Ratio of Building Area of a Building to Its Site Area, etc.)

Article 41. When the prefectural governor deems it necessary in granting the land development permission for a development work in an urbanization control area, he may, with reference to the land in the development area concerned, fix the restrictions on the ratio of the building area of a building to its site area, and on the site, structure and equipment of the building including the building height and location of the wall front.

2 In the area of the land where restrictions have been fixed under the provision of the preceding paragraph as regards the site, structure and equipment of buildings, no building shall be built in contravention of the restrictions. However, this shall not apply in case the prefectural governor gives his permission, deeming that the construction will not hinder the conservation of the environment in the area concerned and in its surrounding areas or deeming that it is unavoidable from the standpoint of public interest.

(Restriction of Building etc. on Land for Which Land Development Permission Has Been Granted)

Article 42. In the development area for which the land development permission has been granted, no person shall, after the public notice of Article 36 paragraph 3 has been given, construct any building or special structure other than the building etc. to be built involved in the land development permission concerned; nor shall he reconstruct any building or change its use to make it a building other than the building to be built involved in the land development permission concerned. However, this shall not apply in cases where the prefectural governor has given his permission for the act, deeming that it will cause no hindrance from the standpoint of promoting the convenience in the development area concerned or of conserving the environment of the development area and its surrounding areas and in cases where the use district etc. have been fixed for the land in the development area concerned in case of such a building or category 1 special structure as corresponds to any of the structures designated by the Cabinet Order mentioned in Article 88 paragraph 2 of the Building Standard Law.

2 In the case of an act which the State performs, reaching an agreement between the State organ concerned and the prefectural governor concerning the act shall be deemed as giving the permission under the provision of the proviso of the preceding paragraph.

(Restriction of Building etc. on Land Other than Land for Which Land Development Permission Has Been Granted)

Article 43. In any area in the urbanization control area other than the development area for which the land development permission has been granted, no person shall construct without obtaining the permission of the prefectural governor any building other than the building provided for in Article 29 item (2) or (3) or any category 1 special structure; nor shall he reconstruct any building or change its use to make it a building other than the building provided for in Article 29 item (2) or (3). However, this shall not apply to the undermentioned construction, reconstruction and change of use of a building and construction of a category 1 special structure:

(1) Construction, reconstruction or change of use of a building or construction of a category 1 special structure executed by the State or by a local public body or a port service office provided for in Article 29 item (4);

(2) Construction, reconstruction or change of use of a building or construction of a category 1 special structure performed in executing a city planning project;

(3) Construction, reconstruction or change of use of a building or construction of a category 1 special structure executed as an emergency measure necessitated by an unforeseen calamity;

(4) Construction of a temporary building;

(5) Construction, reconstruction or change of use of a building or construction of a category 1 special structure executed in the area of the land where the land development mentioned in Article 29 item (9) or other land development provided for by Cabinet Order has been executed;

(6) Construction, reconstruction or change of use of a building executed on a land whose conditions are as follows:

a. Land in such an area adjoining or adjacent to an urbanization promotion area and deemed to constitute a unified sphere of everyday life with the urbanization promotion area in the light of its natural and social conditions as contains approximately fifty or more buildings standing close together;

b. Such land which is already a building land at the time when a city plan for the urbanization control area is decided on or when the bounds of that area are extended by changing the city plan concerned as is confirmed to be such land by the prefectural governor.

(7) Normal act of administration or such simple act or other act as is provided for by Cabinet Order.

2 The conditions for the permission under the provision of the preceding paragraph shall be fixed by Cabinet Order following the example of the conditions for the land development permission provided for in Articles 33 and 34.

(Succession to Status Authorized by Permission)

Article 44. The heir or other general business successor of a person who has obtained the land development permission or the permission of paragraph 1 of the preceding Article shall succeed to the status under the permission concerned held by the person succeeded to.

Article 45. A person who acquires from the person who has obtained the land development permission the ownership of land in the development area concerned or the right of executing works connected with the development concerned may, by obtaining the approval of the prefectural governor, succeed to the status under the land development permission concerned held by the person who has obtained the land development permission concerned.

(Development Register)

Article 46. The prefectural governor shall prepare a development register (hereinafter referred to as "register") and keep it in custody.

Article 47. When the prefectural governor has given a land development permission, he shall enter in the register the matters listed below concerning the land covered by the permission concerned.

(1) Date of development permission;

(2) Use of buildings etc. to be built (excluding buildings and category 1 special structures in use district etc.);

(3) Kind, location and areal limits of public facilities;

(4) Contents of the land development permission other than the matters given in the preceding three items;

(5) Contents of the restrictions under the provision of Article 41 paragraph 1;

(6) Besides the matters fixed in the preceding five items, matters fixed by Ministry of Construction Ordinance.

2 When the prefectural governor has made the works completion inspection provided for in Article 36, if he deems that the works concerned are in conformity with the contents of the land development permission concerned, he shall make an additional entry in the register to that effect.

3 When a change is caused in any of the matters listed in the items of paragraph 1 as the result of an action taken in accordance with the provision of Article 81 paragraph 1, the prefectural governor shall make the necessary revision in the register.

4 The prefectural governor shall keep the register in custody and offer it for public perusal; also, he must issue its copy on request.

5 Necessary matters concerning the register including its preparation, perusal, etc. shall be provided for in detail by Ministry of Construction Ordinance.

(Assistance by the State and by Local Public Bodies)

Article 48. The State and local public bodies shall, in order to promote development of good built-up areas in the urbanization promotion areas, do all they can in giving necessary technical advice and financial or other assistance to the persons who have been granted permission for land development in urbanization promotion areas.

(Charges for Land Development Permission)

Article 49. The amount of charges which may be collected for a land development permission in accordance with the provision of Article 227 paragraph 2 of the Local Autonomy Law must not exceed one-hundred thousand yen per case.

(Raising of Complaint)

Article 50. Any request for investigation concerning a disposition based on the provision of Article 29, the proviso to Article 41 paragraph 2, the proviso to Article 42 paragraph 1 or Article 43 paragraph 1, or forbearance therefrom (means the forbearance mentioned in Article 2 paragraph 2 of the Administrative Complaint Investigation Law (Law No. 160 of 1962)) or a supervisory disposition based on the provision of Article 81 paragraph 1 towards a person who has violated any of the abovementioned provisions shall be made to the Development Investigation Committee.

2 When the Development Investigation Committee receives a request for investigation under the provision of the preceding paragraph, it shall make a ruling within two months from the day on which it receives the request for investigation.

3 In giving the ruling of the preceding paragraph, the Development Investigation Committee shall first hold a public hearing by requesting the attendance of the person who requested the investigation, the agency which made the disposition and other interested persons or their representatives.

4 In case any person is dissatisfied with the ruling of the Development Investigation Committee, he may make a request to the Minister of Construction for reinvestigation.

Article 51. In case a person is dissatisfied with a disposition made by virtue of the provision of Article 29, the proviso to Article 42 paragraph 1 or Article 43 paragraph 1, if the reason for his dissatisfaction involves adjustment with a mining enterprise, stone-quarrying enterprise or gravel-gathering enterprise, he may apply to the Environmental Dispute Coordination Commission for a ruling. In this case, he cannot raise a complaint under the Administrative Complaint Investigation Law.

2 The provision of Article 18 of the Administrative Complaint Investigation Law shall apply mutatis mutandis in case the agency which made the disposition has instructed by mistake that a request for investigation under the said Law can be made concerning the disposition provided for in the preceding paragraph.

(Relation between Request for Investigation and Litigation)

Article 52. No suit for annulment of the disposition provided for in Article 50 paragraph 1 (excluding a suit involving a matter for which an application for a ruling may be made to the Environmental Dispute Coordination Commission in accordance with the provision of paragraph 1 of the preceding Article) may be instituted until after the ruling of the Development Investigation Committee pursuant to the request for investigation concerning the disposition concerned has been given.

Section 1 - 2. Regulation of Building etc. in Area Where Built-Up Area Development Project etc. Is to Be Undertaken

(Regulation of Building etc.)

Article 52-2. Any person who intends to change the shape or character of land or construct a building or a structure in the area fixed in the city plan concerning the area where a built-up area development project etc. is to be undertaken must obtain the permission of the prefectural governor. However, this shall not apply to the acts mentioned below:

(1) Normal act of administration or such simple act or other act as may be provided for by Cabinet Order;

(2) Act performed as an emergency measure necessitated by an unforeseen disaster;

(3) Act performed as the execution of a city planning project or act fixed by Cabinet Order as an act corresponding to it.

2 The provision of Article 42 paragraph 2 shall apply mutatis mutandis to the permission under the provision of the preceding paragraph.

3 After the notification under the provision of Article 20 paragraph 1 has been made in connection with the city plan concerning a built-up area development project or urban facility involved in the area where a built-up area development project etc. is to be undertaken, the provision of paragraph 1 shall not apply in the area of the land involved in the notification.

(Pre-emption etc. of Land, Building, etc.)

Article 52-3. When the notification under the provision of Article 20 paragraph 1 (including the provision applied mutatis mutandis in Article 21 paragraph 2) has been made in connection with the city plan concerning the area where a built-up area development project etc. is to be undertaken, the project executor-to-be shall promptly give public notice of the matters fixed by the relevant Ministry of Construction Ordinance and at the same time shall, in accordance with the provisions of the relevant Ministry of Construction Ordinance, take necessary steps to inform the right holders concerned that there are restrictions given in paragraphs 2 to 4 inclusive concerning transfer-for-countervalue of land or land and building or other structure affixed thereto (hereinafter referred to as "land, building, etc.") in the area where the built-up area development project etc. is to be undertaken.

2 A person who intends to transfer for countervalue any land, building, etc. in the area where a built-up area development project etc. is to be undertaken after a lapse of ten days counting from the day following the day when the public notice under the provision of the preceding paragraph is made must notify the project executor-to-be, in writing, of the land, building, etc. concerned, the amount of its estimated countervalue (if the estimated countervalue is in a form other than money, the amount obtained by estimating it in terms of money on the basis of current prices; hereinafter the same in this Article), the party to whom he intends to transfer the land, building, etc. concerned, and other matters fixed by the relevant Ministry of Construction Ordinance. However, this shall not apply in cases where a part or the whole of the land, building, etc. concerned is one to which the provisions of Article 46 of the Cultural Properties Protection Law (Law No. 214 of 1950) (including the provisions applied mutatis mutandis in Article 56-14 of the same Law)apply.

3 When the project executor-to-be gives notice, within thirty days after the notification under the provision of the preceding paragraph, to the person who has given the notification to the effect that he will purchase the land, building, etc. involved in the notification, it shall be regarded as the sale involving the land, building, etc. concerned having been effected between the project executor-to-be and the person who has given the notification at a price equivalent to the countervalue mentioned in the notification document.

4 The person who has given the notification under the provision of paragraph 2 shall not transfer the land, building, etc. concerned during the period mentioned in the preceding paragraph (if during that period the project executor-to-be gives notice to the effect that he will not purchase the land, building, etc. involved in the notification, the period shall be up to that time).

5 The project executor-to-be who has purchased the land, building, etc. under the provision of paragraph 3 shall manage it by seeing to it that it is in conformity with the city plan involving the land concerned.

(Demanding Purchase of Land)

Article 52-4. The owner of land in an area fixed in the city plan concerning the area where a built-up area development project etc. is to be undertaken may make a demand to the project executor-to-be that he, in accordance with the provisions of the relevant Ministry of Construction Ordinance, purchase the land concerned at the current price. However, this shall not apply in cases where the land concerned is the subject of a right belonging to another person or where a building or other structure or trees provided for in Article 1 paragraph 1 of the Law concerning Growing Trees (Law No. 22 of 1909) stand on the land concerned.

2 The price of the land to be purchased under the provision of the preceding paragraph shall be fixed by agreement between the project executor-to-be and the owner of the land. The provisions of Article 28 paragraph 3 shall apply mutatis mutandis in this connection.

3 The provision of paragraph 5 of the preceding Article applies mutatis mutandis to the project executor-to-be who has purchased land in accordance with the provision of paragraph 1.

4 After the notification under the provision of Article 20 paragraph 1 has been made with regard to the city plan concerning a built-up area development project or an urban facility in the area where a built-up area development project etc. is to be undertaken, the provision of paragraph 1 shall not apply in the area of the land involved in the notification concerned.

(Loss and Compensation)

Article 52-5. In case a change is made in the area fixed in the city plan concerning the area where a built-up area development project etc. is to be undertaken, if there is among the owners of, or persons having interests in, the land which has come to be outside the limits of the area where the built-up area project etc. is to be undertaken as a result of the change any person who suffers a loss owing to the fact that the city plan concerned was fixed, the project executor-to-be shall make compensation for the loss, and in case the city plan concerning the area where the built-up area development project etc. is to be undertaken loses its validity according to the provision of Article-12 paragraph 5 owing to the fact that the city plan for the built-up area development project or for urban facility construction in the area where the built-up area development project etc. is to be undertaken has not been fixed, if there is among the owners of, or persons having interests in, the land within the limits of the area where the built-up area development project etc. is to be undertaken any person who suffers a loss owing to the fact that the city plan concerned was fixed, the person who is responsible for deciding on the city plan for the built-up area development project or for urban facility construction in the area where the built-up area development project etc. is to be undertaken shall make compensation for the loss.

2 No one can demand compensation for loss provided for in the provision of the preceding Article after the lapse of one year counting from the day when he comes to know of the loss.

3 The provisions of paragraphs 2 and 3 of Article 28 shall apply mutatis mutandis to the case of paragraph 1.

Section 2. Regulation of Building in City Planning Facility Area etc.

(Permission for Building)

Article 53. Any person who intends to build a building in the area of a city planning facility or the work execution area of a built-up area development project shall obtain the permission of the prefectural governor in accordance with the provisions of the relevant Ministry of Construction Ordinance. However, this shall not apply to an act performed by way of executing a city planning project (including the acts fixed by Cabinet Order as acts whose nature is similar to it), an act performed as an urgent measure necessitated by an emergency or calamity, and other acts which are simple and fixed by Cabinet Order.

2 The provision of Article 42 paragraph 2 shall apply mutatis mutandis to the permission under the provision of the preceding paragraph.

3 After the notification mentioned in Article 65 paragraph 1 has been given, the provision of paragraph 1 shall not apply in the area of the land concerning which the notification has been given.

(Conditions for Permission)

Article 54. When the prefectural governor receives an application for the permission of paragraph 1 of the preceding Article, he must give the permission if he deems that the building project concerned is in conformity with the city plan for the city planning facility or built-up area development project, or that the building concerned is such a building meeting the conditions given below as can be moved or removed easily.

(1) The number of stories be two or less and there be no basement;

(2) The main structural parts (means the main structural parts stipulated in Article 2 item (5) of the Building Standard law) be of wooden construction, steel-frame construction, concrete-block construction or other construction similar thereto.

(Exceptions to Conditions for Permission, etc.)

Article 55. Concerning building of a building within such an area comprised in the land within a city planning facilities area as is designated by the prefectural governor or the work execution area of a built-up area development project (excluding land readjustment projects and projects for development of bases of new cities) (referred to as the "projected project site" in the next Article and in Article 57), the prefectural governor may, regardless of the provision of the preceding Article, refrain from giving the permission of Article 53 paragraph 1. However, this shall not apply to building of a building on the land concerning which the person concerned has given a notice, in accordance with the provision of paragraph 2 of the next Article, to the effect that he will not purchase it.

2 A person who intends to execute a city planning project or any other person provided for by Cabinet Order may request the prefectural governor to make the designation of land mentioned in the preceding paragraph or to designate him as the person to whom the request for the purchase of land mentioned in paragraph 1 of the next Article or the report mentioned in the principal clause of Article 57 paragraph 2 should be made.

3 The prefectural governor may designate the person who has made the request for the designation of land under the provision of the preceding paragraph as the person to whom the request for purchase of land mentioned in paragraph 1 of the next Article or the report mentioned in the principal clause of Article 57 paragraph 2 should be made.

4 When the prefectural governor makes the designation of land mentioned in paragraph 1, or when he, according to the request made under the provision of paragraph 2 or in accordance with the provision of the preceding paragraph, designates the person to whom the request for purchase of land mentioned in paragraph 1 of the next Article or the report mentioned in the principal clause of Article 57 paragraph 2 should be made, the prefectural governor shall give public notice to that effect in accordance with the provisions of the relevant Ministry of Construction Ordinance.

(Purchase of Land)

Article 56. When the prefectural governor (if there is a person concerning whom a public notice has been given in accordance with the provision of paragraph 4 of the preceding Article that he is the person to whom the request for purchase of land should be made, that person) receives from the owner of land within the projected site of project a request that he purchase the land on the ground that if the construction of the building is not permitted by virtue of the provision in the principal clause of paragraph 1 of the preceding Article it will greatly impede the utilization of the land, he shall, unless there are special reasons, purchase the land concerned at the current price.

2 The person who has received the request mentioned in the preceding paragraph shall, without delay, notify the owner of the land concerned that he will or will not purchase the land concerned.

3 When the person concerning whom a public notice has been given in accordance with the provision of paragraph 4 of the preceding Article that he is the person to whom the request for purchase of land should be made notifies the owner of the land in accordance with the provision of the preceding paragraph that he will not purchase the land, he shall immediately notify the prefectural governor of it.

4 The person who has purchased land in accordance with the provision of paragraph 1 shall manage the land in such a way as to make it conform to the city plan which covers the land concerned.

(Pre-emption of Land etc.)

Article 57. When a notification concerning a city plan for a built-up area development project issued under the provision of Article 20 paragraph 1 (including the provision applied mutatis mutandis in Article 21 paragraph 2) or a public notice concerning a built-up area development project or a city planning facility within an urbanization promotion area issued under the provision of Article 55 paragraph 4 has been given, the prefectural governor (if there is a person concerning whom a public notice has been given under the provision of Article 55 paragraph 4 that he is the person to whom the report under the provision of the principal clause of the next paragraph should be made, that person; hereinafter the same in this Article) shall, without delay, give public notice of the matters fixed by the relevant Ministry of Construction Ordinance and at the same time shall take necessary steps to make it known to the right holders concerned that with regard to onerous transfer of land within the projected site of project there are restrictions under the provisions of the next paragraph and paragraphs 3 and 4, in accordance with the provisions of the relevant Ministry of Construction Ordinance.

2 A person who intends to make an onerous transfer of land within the projected site of project after 10 days have elapsed counting from the day following the day of the public notice prescribed in the preceding paragraph (excluding a person who intends to make an onerous transfer of land and the building or other structure built thereon) shall notify the prefectural governor, in writing, of the land concerned, the amount of the expected price (if the expected price is in a form other than money, its amount estimated in money on the basis of the current price; hereinafter the same in this Article), the person to whom the land concerned is to be transferred, and other matters fixed by the relevant Ministry of Construction Ordinance. However, this shall not apply to the case where the land concerned is land the whole or a part of which is governed by the provision of Article 46 of the Cultural Properties Protection Law (including the provision applied mutatis mutandis in Article 56-14 of the same Law) or to the case where the land concerned is land included in the site of the city planning project covered by the pertinent public notice given after 10 days have elapsed counting from the day following the day of the public notice prescribed in Article 66.

3 When the prefectural governor notifies the notification-giver, within 30 days after the notification of the preceding paragraph is given, that he will purchase the land mentioned in the notification, it shall be deemed that the transaction has been effected between the prefectural governor and the notification-giver at a price equivalent to the expected price given in the notification.

4 The notification-giver of paragraph 2 must not dispose of the land concerned during the period mentioned in the preceding paragraph (if the prefectural governor gives notice within the period that he will not purchase the land mentioned in the notification, the period up to that time).

5 The provision of paragraph 4 of the preceding Article shall apply mutatis mutandis to the person who has purchased land under the provision of paragraph 3.

(Special Rule concerning Area of City Planning Facility Construction Project Whose Project Executor-to-Be Has Been Designated etc.)

Article 57-2. To the area of the city planning facility construction project and the area of the built-up area development project involved in a city plan for which the project executors-to-be have been designated (hereinafter referred to as "the areas of the city planning facility construction project etc. whose project executors-to-be have been designated") the provisions of Articles 53 through 57 shall not apply: such areas shall be governed by the provisions of Articles 57-3 through 57-6. However, in case the public notice under the provision of Article 60-2 paragraph 2 has been given, the same shall not apply to the area of the city planning facility and the area of the built-up area development project involved in the public notice concerned.

(Restriction of Building etc.)

Article 57-3. To changing of the shape or character of land and constructing of buildings or other structures in the areas of the city planning facility construction project etc. whose project executors-to-be have been designated the provisions of Article 52-2 paragraphs 1 and 2 shall apply mutatis mutandis.

2 After the notification referred to in Article 65 paragraph 1 has been made, the provision of the preceding Article shall not apply to the area of land involved in the notification.

(Pre-emption etc. of Land, Building, etc.)

Article 57-4. To the onerous transfer of any of the land, buildings, etc. in the area of a city planning facility construction project whose project executor-to-be has been designated shall apply mutatis mutandis the provisions of Article 52-3. In the application, "concerning the area where a built-up area development project etc. is to be undertaken" and "in the area where the built-up area development project concerned etc. is to be undertaken" in paragraph 1 of the same Article shall read "concerning the urban facility construction project or built-up area development project whose project executor-to-be has been designated" and "in the construction project area of the city planning facility concerned or in the area covered by the built-up area development project concerned whose project executor-to-be has been designated" respectively, and "in the area where a built-up area development project etc. is to be undertaken" in paragraph 2 of the same Article shall read "in the area of the city planning facility construction project whose project executor-to-be has been designated or in the area covered by the built-up area development project whose executor-to-be has been designated."

(Demand for Purchase of Land)

Article 57-5. To the demand for purchase of land in the area of a city planning facility construction project whose project-executor-to-be has been designated shall apply mutatis mutandis the provisions of Article 52-4 paragraphs 1 to 3 inclusive.

(Loss Compensation)

Article 57-6. With regard to a built-up area development project or a city plan concerning an urban facility whose project-executor-to-be has been designated, in the case where the area fixed in the city plan or the project area has been changed within two years counting from the day of notification under the provision of Article 20 paragraph 2, if the change has caused a loss to any of the owners of the land which has been excluded from the area concerned or the project area concerned due to the change or to any of the parties concerned, the project-executor-to-be concerned shall compensate for the loss.

2 The provisions of Article 52-5 paragraphs 2 and 3 shall apply mutatis mutandis to the case referred to in the preceding paragraph.

Section 3. Regulation of Building etc. in Scenic Zone

(Regulation of Building etc.)

Article 58. With regard to the construction of buildings, development of building sites, felling of trees and bamboos and other acts in the scenic zone, such regulation thereof as is necessary to maintain the scenic beauty of the city may be effected by prefectural bylaws in accordance with the standards fixed by the relevant Cabinet Order.

2 The provisions of Article 51 shall apply mutatis mutandis to complaints on dispositions made in accordance with the provisions of the bylaws based on the provision of the preceding paragraph.

CHAPTER IV. CITY PLANNING PROJECTS

Section 1. Approval etc. of City Planning Projects

(Project Executor)

Article 59. A city planning project shall be executed by a city, town or village by obtaining the approval of the prefectural governor.

2 A prefecture may, by obtaining the approval of the Minister of Construction, execute a city planning project in cases where it is difficult or inappropriate for a city, town or village to execute the project and in other cases which involve special circumstances.

3 An organ of the State may, by obtaining the consent of the Minister of Construction, execute a city planning project which has an important bearing on the interests of the State.

4 A party other than an organ of the State, a prefecture or a city, town or village may execute a city planning project by obtaining the approval of the prefectural governor, either in cases where it has previously been granted the licence, permission or approval of the administrative organ concerned if such action is necessary for the execution of the project or under special circumstances.

5 When the prefectural governor intends to give his approval under the provision of the preceding paragraph, he shall first hear the opinions of the heads of the local public bodies concerned.

6 When the Minister of Construction or the prefectural governor intends to give the approval or consent provided for in any of the paragraphs from 1 to 4, if the city planning project concerned is one which will close or alter an irrigation or drainage facility or any other facility provided for public use which is necessary for conservation or utilization of land for agricultural use, or if there is a fear that the city planning project concerned may affect any land improvement project plan which involves management, construction or improvement of any of these facilities, he shall hear the opinion of the person who manages the facility concerned or of the person who is to undertake the project based on the land improvement project plan, as the case may be, with regard to the city planning project concerned. However, this shall not apply to minor projects fixed by the relevant Cabinet Order.

7 A city planning facility construction project and a built-up area development project involved in a city plan, for which the project executors-to-be have been designated, may be executed only by the persons so designated.

(Application for Approval of Consent)

Article 60. Any person who intends to obtain the approval or consent of the preceding Article shall submit a written application containing the items given below to the Minister of Construction or the prefectural governor concerned in accordance with the provisions of the relevant Ministry of Construction Ordinance.

(1) Name of project executor;

(2) Kind of city planning project;

(3) Project plan;

(4) Other items fixed by the relevant Ministry of Construction Ordinance.

2 The following items shall be given in the project plan of item (3) of the preceding paragraph:

(1) Project site (site where the city planning project is to be executed; hereinafter the same), indicating whether the project involves expropriation or use;

(2) Outline of design;

(3) Project execution period.

3 The documents listed below shall be attached to the written application of paragraph 1 in accordance with the provisions of the relevant Ministry of Construction Ordinance.

(1) Drawing indicating project site;

(2) Drawings and documents showing the design in outline;

(3) Financial plan;

(4) When an action of an administrative organ such as granting of a license, permission, approval, etc. is necessary for execution of the project, either document certifying that such action has been taken or written opinion of the administrative organ concerned;

(5) Other drawings or documents designated by the relevant Ministry of Construction Ordinance.

4 The provision of Article 14 paragraph 2 shall apply mutatis mutandis in indicating the project site under the provision of paragraph 2 item (1) or of item (1) of the preceding paragraph.

(Obligation of Applying for Approval or Consent, etc.)

Article 60-2. The project executor-to-be shall apply for the approval or consent mentioned in Article 59 concerning the city planning facility construction project or the built-up area development project concerned within two years counting from the day of the issue of the notification under the provision of Article 20 paragraph 1 (the notification under the provision of Article 20 paragraph 1 applied mutatis mutandis in Article 21 paragraph 2 concerning the city plan concerned in case a city plan having no designated project executor-to-be has been changed to be one in which the project executor-to-be is designated) concerning the city plan involving the city planning facility or built-up area development project concerned.

2 In case the application for approval or consent under the preceding paragraph is not made within the period mentioned in the said paragraph, the Minister of Construction or the prefectural governor shall, without delay, give public notice to that effect in accordance with the provisions of the relevant Ministry of Construction Ordinance.

(Compensation for Loss)

Article 60-3. In case the public notice prescribed in paragraph 2 of the preceding Article has been given, if there is among the owners of, or persons having interests in, the land within the area of the city planning facility or the work execution area of the built-up area development project any person who suffers a loss owing to the fact that the city plan concerned has been fixed, the project executor-to-be shall compensate for the loss.

2 The provisions of Article 52-5 paragraphs 2 and 3 shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(Conditions for Approval etc.)

Article 61. The Minister of Construction or the prefectural governor concerned may give the approval or consent of Article 59 if the procedures of application are not in contravention of any laws or ordinances and the project for which the application has been made satisfies the conditions stated in the following two items:

(1) The substance of the project is in conformity with the city plan and the period of project execution is appropriate;

(2) In case an action of the administrative organ concerned, such as granting a licence, permission, approval, etc. is necessary, the action has been taken or it is certain that the action will be taken.

(Notification of Approval etc. of City Planning Project)

Article 62. When the Minister of Construction or the prefectural governor has given the approval or consent of Article 59, he shall, without delay, notify the public of the name of the project executor, kind of city planning project, period of project execution and project site; also, the Minister of Construction shall send to the prefectural governor concerned and the head of the city, town or village concerned, and the prefectural governor to the Minister of Construction and the head of the city, town or village concerned, copies of the drawings and documents mentioned in Article 60 paragraph 3 items (1) and (2) in accordance with the provisions of the relevant Ministry of Construction Ordinance.

2 The head of the city, town or village shall, in accordance with the provisions of the relevant Ministry of Construction Ordinance, have the drawings and documents of the preceding paragraph open to public inspection at the office of the city, town or village concerned until the termination of the project execution period stated in the notification of the preceding paragraph or until the day of notification of Article 30 paragraph 2 of the Land Expropriation Law, the paragraph applying mutatis mutandis under the provision of Article 30-2 of the said Law which applies according to the provision of Article 69.

(Change in Project Plan)

Article 63. A party who intends to make a change in the project plan of Article 60 paragraph 1 item (3) shall obtain the consent of the Minister of Construction in case of an organ of the State, the approval of the Minister of Construction in case of a prefecture, or the approval of the prefectural governor in case of a party other than these. However, this shall not apply to such minor changes in the outline of the design as are fixed by the relevant Ministry of Construction Ordinance.

2 The provisions of Article 59 paragraph 6 and of the preceding three Articles shall apply mutatis mutandis to the approval and consent of the preceding paragraph.

(Succession to Status Established on Basis of Approval)

Article 64. The status established on the basis of the approval of Article 59 paragraph 4 may be succeeded to by obtaining the approval of the prefectural governor in accordance with the provisions of the relevant Ministry of Construction Ordinance, besides cases of inheritance and other ordinary succession.

2 When the status based on the approval of Article 59 paragraph 4 has been succeeded to, any disposition, procedure or other act that had been made, taken or done in accordance with the provisions of this Law or an Order based on this Law by the party whose status has been succeeded to shall be deemed to have been made, taken or done by the successor, and any disposition, procedure or other act that had been made, taken or done by the successor, and any disposition, procedure or other act that had been made, taken or done for the party whose status has been succeeded to shall be deemed to have been made, taken or done for the successor.

Section 2. Execution of City Planning Projects

(Restrictions on Building etc.)

Article 65. After the notification under the provision of Article 62 paragraph 1 or the notification under the provision of Article 62 paragraph 1 applied mutatis mutandis in Article 63 paragraph 2 in connection with inclusion of a new project site has been made, if, within the project site concerned, any person intends to effect changing of the shape and character of land or constructing of a building or a structure which may hinder the execution of the city planning project, or to set up or pile up any kind of the articles not readily movable designated as such by the relevant Cabinet Order, he shall obtain the permission of the prefectural governor.

2 When an application for the permission of the preceding paragraph has been made, if the prefectural governor intends to give the permission, he shall first hear the opinion of the project executor.

3 The provision of Article 42 paragraph 2 shall apply mutatis mutandis to the permission under the provision of paragraph 1.

(Measures for Informing All Persons concerning Execution of Project)

Article 66. When the notification provided for in paragraph 1 of the preceding Article has been made, the project executor shall, without delay, give out a public notice of the matters fixed by the relevant Ministry of Construction Ordinance; also, in accordance with the provisions of the relevant Ministry of Construction Ordinance, he shall take necessary measures for informing the holders of rights concerned that for onerous transfer of land, building, etc. within the project site there are restrictions provided for in the next Article and shall try to obtain the cooperation of the inhabitants of the project site and the neighboring land in the execution of the city planning project by taking measures such as explaining to them the outline of the project he is to execute and hearing their opinions.

(Preemption of Land, Building, etc.)

Article 67. Any person who intends to make onerous transfer of land, building, etc. within the project site after the lapse of ten days counting from the day following the day on which the public notice of the preceding Article is made shall submit to the project executor a written report describing the land, building, etc. concerned, the amount of estimated countervalue (in case the estimated countervalue is in a form other than money, its amount estimated in terms of money on the basis of the current price; hereinafter the same in this Article), the party to which the land, building, etc. concerned is to be transferred, and other items fixed by the relevant Ministry of Construction Ordinance. However, this shall not apply if the whole or a part of the land, building, etc. concerned is a property to which the provision of Article 46 of the Cultural Properties Protection Law (Law No. 214 of 1950)(including the provision applied mutatis mutandis in Article 56-14 of the same Law) applies.

2 If the project executor, within thirty days from the day on which the report under the provision of the preceding paragraph is submitted, notifies the person who has submitted the report that the project executor will purchase the land, building, etc. on which the report has been submitted, it shall be deemed that the transaction on the land, building, etc. concerned has been concluded between the project executor and the person who has submitted the report at a price corresponding to the amount of the estimated countervalue given in the written report.

3 The person who has submitted the report of paragraph 1 shall not transfer the land, building, etc. concerned during the period of the preceding paragraph (in case the project executor makes notification within the period that it will not purchase the land, building, etc. on which the report has been submitted, the period up to that time).

(Requesting Purchase of Land)

Article 68. The owner of land within the project site concerning which the expropriation procedures are deferred under the provision of Article 31 of the Land Expropriation Law, which applies to it in accordance with the provision of the next Article, may request the project executor to purchase the land concerned at the current price in accordance with the provisions of the relevant Ministry of Construction Ordinance. However, this shall not apply in cases where the land concerned forms the subject of a right belonging to another person or where any building or other structure or any trees provided for in Article 1 paragraph 1 of the Law concerning Standing Trees stand on the land concerned.

2 The price of the land to be purchased in accordance with the provision of the preceding paragraph shall be determined by agreement between the project executor and the owner of the land.

3 The provision of Article 28 paragraph 3 shall apply mutatis mutandis in the case of the preceding paragraph.

(Expropriation or Use of Land etc. for City Planning Project)

Article 69. A city planning project shall be deemed to be a project falling under one of the items of Article 3 of the Land Expropriation Law and the provisions of the same Law shall apply to it.

Article 70. With regard to a city planning project, the recognition of project under the provision of Article 20 of the Land Expropriation Law (including the provision applied mutatis mutandis in Article 138 paragraph 1 of the same Law) shall not be made but the approval or consent under the provision of Article 59 shall be substituted for it, and the notification under the provision of Article 62 paragraph 1 shall be deemed to be the recognition of project under the provision of Article 26 paragraph 1 of the Land Expropriation Law (including the provision applied mutatis mutandis in Article 138 paragraph 1 of the same Law).

2 With regard to land which is newly incorporated into a project site by changing the project plan, "Article 59" in the preceding paragraph shall read "Article 63 paragraph 1" and "Article 62 paragraph 1" shall read "Article 62 paragraph 1 applied mutatis mutandis in Article 63 paragraph 2."

Article 71. With regard to a city planning project, the provisions of Article 29 and Article 34-6 of the Land Expropriation Law (including the provisions applied mutatis mutandis in Article 138 paragraph 1 of the same Law) shall not apply to it; if there is a reason which corresponds to the reason by which the recognition of project becomes null and void under the provision of Article 29 paragraph 1 of the same Law (including the provision applied mutatis mutandis in Article 138 paragraph 1 of the same Law), the notification of the recognition of project under the provision of Article 26 paragraph 1 of the same Law (including the provision applied mutatis mutandis in Article 138 paragraph 1 of the same Law) shall be deemed to have been made at the time when the reason developed, notwithstanding the provision of paragraph 1 of the preceding Article, and the provisions of Article 8 paragraph 3, Article 35 paragraph 1, Article 36 paragraph 1, Article 39 paragraph 1, Article 46-2 paragraph 1, Article 71 paragraph 1 (including the case where it is applied mutatis mutandis or where it serves as an example to be followed) and Article 89 paragraph 1 (including the provision applied mutatis mutandis in Article 138 paragraph 1 of the same Law) of the same Law shall apply mutatis mutandis.

2 If, after the ruling for acquisition of right has been given, no application for the ruling on handing over of the property is made by the time the project execution period mentioned in the notification under the provision of Article 62 paragraph 1 (including the provision applied mutatis mutandis in Article 63 paragraph 2) elapses, the decision for commencement of the procedures for the acquisition-of-right ruling and the ruling for acquisition of right previously given shall be deemed to have been annulled at the expiration of that period.

Article 72. When the project executor intends to defer the procedures for expropriation or use in accordance with the provision of Article 31 of the Land Expropriation Law applied under the provision of Article 69, he shall, at the time he intends to obtain the approval or consent under the provision of Article 59 or Article 63 paragraph 1, submit a written application containing a statement to that effect and a description of the bounds of the project site for which the procedures for expropriation or use are to be deferred, in accordance with the provisions of the relevant Ministry of Construction Ordinance. In this connection, the bounds of the project site for which the procedures are to be deferred shall be shown on the drawing mentioned in Article 60 paragraph 3 item (1) (including the item applied mutatis mutandis in Article 63 paragraph 2).

2 The provision of Article 14 paragraph 2 shall be applied mutatis mutandis in showing the bounds of the project site in accordance with the provision of the preceding paragraph.

3 When the application of paragraph 1 has been made, the Minister of Construction or the prefectural governor shall, at the time he makes notification under the provision of Article 62 paragraph 1 (including the provision applied mutatis mutandis in Article 63 paragraph 2), also make notification to the effect that the procedures for expropriation or use following the approval or consent for the project will be deferred and show the bounds of the project site for which the procedures will be deferred.

Article 73. With regard to the application of the Land Expropriation Law to a city planning project, it shall be governed by the provisions of the following items as well as by the provisions of the preceding four Articles:

(1) The provision of Article 28-3 of the Land Expropriation Law (including the provision applied mutatis mutandis in Article 138 paragraph 1 of the same Law) and the provision of Article 142 of the same Law shall not apply, and "Article 28-3 paragraph 1" in Article 89 paragraph 3 shall read "Article 65 paragraph 1 of the City Planning Law."

(2) The period provided for in Article 34 of the Land Expropriation Law and in the latter part of Article 100 paragraph 2 of the same Law shall terminate when the project execution period mentioned in the notification made under the provision of Article 62 paragraph 1 (including the provision applied mutatis mutandis in Article 63 paragraph 2) has elapsed.

(3) The "drawing mentioned in Article 26-2 paragraph 2" in Article 34-4 paragraph 2 of the Land Expropriation Law shall read the "drawings and documents mentioned in Article 62 paragraph 2 (including the paragraph applied mutatis mutandis in Article 63 paragraph 2) of the City Planning Law."

(4) The phrase "by the lapse of the recognition of the project under the provision of Article 29 or Article 34-6" in Article 92 paragraph 1 of the Land Expropriation Law shall read "by expiration without result of the time limit for application for a ruling on expropriation or use stipulated in Article 39 paragraph 1."

(Measures for Livelihood Rehabilitation)

Article 74. Any person who may lose the basis of living as a result of giving up his land etc. needed for the execution of the city planning project may request the project executor to use his good offices in order that measures for livelihood rehabilitation involving the matters given in the items below be carried out in case it is necessary that such measures should be taken in addition to compensation due to him.

(1) Acquisition of building site, land fit for development for arable land, or other land;

(2) Acquisition of dwelling, shop or other building;

(3) Aid for finding employment, vocational guidance or vocational training.

2 When the project executor receives a request made under the provision of the preceding paragraph, he shall, whenever the circumstances permit, make efforts to take the measures requested.

(Sharing of Expenses by Beneficiaries)

Article 75. In case any persons are greatly benefited by a city planning project, the State, prefecture or city, town or village may make them bear a part of the expenses for the city planning project, within the limit of the benefit accruing to them from the city planning project.

2 In connection with the provision of the preceding paragraph, the scope of the persons from whom the shares will be collected and the method of collecting the shares shall be fixed by Cabinet Order for the shares to be imposed by the State, and by bylaw of the prefecture, city, town or village concerned for the shares to be imposed by a prefecture, city, town or village.

3 In case there is any person who fails to pay in the beneficiary's share provided for in the preceding two paragraphs (hereinafter in this Article referred to as "the share"), the State or the city, town or village concerned (hereinafter in this Article referred to as "the State etc.") shall press him for payment by designating a time limit for payment in the letter of reminder.

4 In connection with the provision of the preceding paragraph, the State etc. may collect a fee on arrears within the limit not exceeding the amount calculated by multiplying the amount of share by the rate of 14.5 % per annum in accordance with the provisions of the relevant Cabinet Order (in the case of a prefecture, city, town or village, the relevant bylaw).

5 In case any person who has received a letter of reminder according to the provision of paragraph 3 fails to pay the amount he should pay by the time limit designated in the letter of reminder, the State etc. may, following the example of the disposition for arrears of national taxes, collect the share money and the fee on arrears provided for in the preceding two paragraphs. In this connection, the order of the preferential right on the share money and the fee on arrears shall be next to the national taxes and local taxes.

6 The fee on arrears shall take precedence over the share money.

7 The right to collect the share money and the fee on arrears shall be extinguished by prescription if it is not exercised within five years.

CHAPTER V. CENTRAL CITY PLANNING COUNCIL ETC.

(Central City Planning Council)

Article 76. There shall be established a Central City Planning Council as an auxiliary organ of the Ministry of Construction to have it make investigation and deliberation on the matters placed under its jurisdiction by this Law and, in addition, make investigation and deliberation on other important matters concerning city planning at the request of the Minister of Construction.

2 The Central City Planning Council may present recommendations to the administrative agencies concerned on important matters concerning city planning.

3 Necessary matters concerning the organization and operation of the Central City Planning Council shall be provided for by Cabinet Order.

(Local City Planning Council)

Article 77. There shall be established in each prefecture a Local City Planning Council to have it make investigation and deliberation on the matters placed under its jurisdiction by this Law and, in addition, make investigation and deliberation on other matters concerning city planning at the request of the prefectural governor.

2 The Local City Planning Council may present recommendations to the administrative agencies concerned on matters concerning city planning.

3 Necessary matters concerning the organization and operation of a Local City Planning Council shall be provided for by prefectural bylaw following the standards to be fixed by Cabinet Order.

(Development Investigation Committee)

Article 78. There shall be established in each prefecture a Development Investigation Committee to have it give its decision in response to the request for investigation provided for in Article 50 paragraph 1 and perform other matters placed under its jurisdiction by this Law.

2 The Development Investigation Committee shall consist of seven members.

3 The members shall be appointed by the prefectural governor from among such persons having excellent knowledge and experience in law, economics, city planning, architecture, public sanitation or administration as are able to form fair judgement concerning the public welfare.

4 No person falling under any of the following items can be a member of the Committee;

(1) Person adjudged incompetent or quasi-incompetent or such bankrupt person as has not been reinstated;

(2) Person sentenced to imprisonment without hard labor or a heavier penalty whose execution of sentence has not been completed or excused;

5 If any member of the Committee comes to fall under either of the two items of the preceding paragraph, the prefectural governor shall dismiss the member;

6 When any member of the Committee appointed by prefectural governor falls under either of the following two items, the prefectural governor may dismiss the member:

(1) When it is deemed that a member of the Committee is unable to perform his duties owing to his being defective mentally or physically;

(2) When it is deemed that a member of the Committee is guilty of having swerved from his duty or of such other malfeasance as to render himself unfitting to be a member.

7 No member of the Committee can participate in the proceedings concerning the decision to be given in response to the request for investigation made under Article 50 paragraph 1 with respect to any case which has connection with his own interests or those of his kins within third grade kinship.

8 The necessary matters concerning the organization and operation of the Development Investigation Committee which are not provided for in paragraphs 2 to 7 inclusive shall be provided for by prefectural bylaw following the standards to be fixed by Cabinet Order.

CHAPTER VI. MISCELLANEOUS PROVISIONS

(Conditions of Permission etc.)

Article 79. Conditions necessary from the standpoint of city planning may be attached to the permission, approval and consent given in accordance with the provisions of this Law. In this connection, the conditions must not be such as to impose unjust obligations upon a person who has obtained the permission, approval or consent concerned.

(Report, Recommendation, Assistance, etc.)

Article 80. To the extent necessary for the enforcement of this Law, the Minister of Construction may request a project executor other than an organ of the State to submit reports and materials or give necessary recommendation or advice to such party, and the prefectural governor may do the same with respect to the city, town or village which is the project executor or to any party which has obtained the permission, approval or consent given under the provisions of this Law.

2 A city, town or village, or project executor may, for deciding on or changing a city plan or for executing or making preparations for executing a city planning project, ask the Minister of Construction or the prefectural governor concerned for technical assistance of their staff members who have expert knowledge concerning city planning or city planning projects.

(Supervisory Disposition)

Article 81. The Minister of Construction or the prefectural governor concerned may, with respect to a person falling under any of the following items, and to the extent necessary for city planning, annul the permission, approval, consent or confirmation given under the provisions of this Law (excluding those for deciding or changing a city plan; hereinafter the same in this Article), make some alteration to it, suspend its effect, change its conditions or attach new conditions to it, or order him to discontinue the works or other act, or, by fixing a reasonable time limit, order him to rebuild, move or remove a building or other structure or object, or to take some other step necessary for remedying the contravention:

(1) Person who has violated any of the provisions of this Law or an order based on this Law or acted in contravention of a disposition made in accordance with such provisions;

(2) With reference to a work which is in contravention of the provisions of this Law or an order based on this Law or a disposition made in accordance with such provisions, its owner or contractor (including subcontractor of the contracted work) or the person who is performing or has performed such work for himself without resorting to a contract;

(3) Person who does not follow the conditions attached to the permission, approval or consent given in accordance with the provisions of this Law;

(4) Person who has obtained the permission, approval, consent or confirmation provided for in this Law by fraud or some other illegal means.

2 When the Minister of Construction or the prefectural governor concerned intends to make a disposition or order the person to take a necessary step in accordance with the provision of the preceding paragraph, he shall first hold a hearing concerning the disposition to be made or the person who is to be ordered to take the step.

3 In case the Minister of Construction or the prefectural governor concerned intends to order the person to take a necessary step in accordance with the provision of paragraph 1, if, without any fault on his part, he cannot know with certainty the person to whom the order for the step concerned is to be given, he may, at the expense of that person, take the step concerned himself, or make a person he orders or a person he commissions take the step. In this connection, the Minister of Construction or the prefectural governor shall, by fixing a reasonable time limit, first give public notice to the effect that the step concerned shall be taken and that if the step is not taken within the fixed time limit, he or the person he orders or commissions will take the step.

(Spot Inspection)

Article 82. The Minister of Construction or the prefectural governor concerned or the person ordered or commissioned by either the Minister of Construction or the prefectural governor may, when it is necessary for exercising the powers provided for in the preceding Article, make entry into the land concerned and inspect the land concerned, objects on the land concerned, and the status of the works being executed on the land concerned.

2 Any person who intends to make entry into another person's land under the provision of the preceding paragraph shall carry with him an identification card indicating his status.

3 When any of the parties concerned requests it, the certificate prescribed in the preceding paragraph must be shown to him.

4 The power to make inspection by making entry under the provision of paragraph 1 shall not be construed as meaning power vested for criminal investigation.

(State Subsidy)

Article 83. The State may, within the limit of the budgetary appropriation, subsidize local public bodies for a part of the expenses necessary for important city planning or city planning projects in accordance with the provisions of the relevant Cabinet Order.

(Land Fund)

Article 84. For purchasing land under the provisions of Article 56 and Article 57 and for purchasing land in the area of city planning facilities and in the work execution area of built-up area development projects, land mentioned in the items of Article 1 of the Law concerning Lending of Urban Development Funds (Law No. 20 of 1966) and other land fixed by Cabinet Order, a prefecture or a designated city may establish a Land Fund as the fund of Article 241 of the Local Autonomy Law.

2 For ensuring the source of the Land Fund mentioned in the preceding paragraph, the State shall make effort to accommodate the prefecture or designated city with necessary funds or use its good offices or extend other aid for the purpose.

(Taxation Measures etc.)

Article 85. For the purpose of realizing proper execution of city planning, the State and the local public bodies concerned shall take taxation measures and other proper measures for the promotion of effective use and the curb of speculative transactions of the land in the urbanization promotion areas.

(Delegation of Powers of Prefectural Governor)

Article 86. The prefectural governor may delegate such affairs as come under his powers in accordance with the provisions of Chapter III Section 1 to the mayor of a city provided that the city has a population of 100,000 or more, regardless of the provision of Article 153 paragraph 2 of the Local Autonomy Law.

2 The prefectural governor may delegate such affairs referred to in the preceding paragraph as concern port areas to the head of the port service office or the head of the local public body who is the administrator of the port, in accordance with the provisions of the relevant Cabinet Order.

(Special Rule regarding Large Cities)

Article 87. When the Minister of Construction or the prefectural governor concerned intends to decide on or change a city plan involving a city planning area which includes land of a designated city, he shall consult with the head of the designated city concerned.

2 Such affairs handled by a prefecture or coming under the powers of a prefectural governor in accordance with the provisions of Article 26, Article 27, Chapter III and Article 65 paragraph 1 as may be fixed by Cabinet Order shall, in a designated city, be handled by the designated city concerned or performed by the mayor of the designated city concerned, in accordance with the provisions of the relevant Cabinet Order. In this connection, the provisions in this Law concerning the prefecture and prefectural governor shall be regarded as provisions concerning designated city and the mayor of a designated city and shall apply to the designated city and the mayor of the designated city respectively.

(Special Rule regarding Tokyo Metropolis)

Article 87-2. For the areas consisting of the special wards, those designated by Cabinet Order out of the city plans to be fixed by the city, town or village concerned in accordance with the provision of Article 15 shall be fixed by the Tokyo Metropolitan Government.

2 The business to be handled by the city, town or village concerned prescribed in the provisions of Chapter II Section 2 concerning the city plans which the Tokyo Metropolitan Government fixes under the provision of the preceding paragraph shall be handled by the Metropolitan Government. In this connection, the provisions involving the city, town or village concerned shall be regarded as provisions involving the Metropolitan Government and shall apply to the Metropolitan Government.

(Leaving of Matters to Cabinet Order)

Article 88. Matters necessary for enforcement of this Law not provided for in this Law shall be fixed by Cabinet Order.

CHAPTER VII. PENAL PROVISIONS

Article 89. If a party which executes a city planning project by obtaining approval under the provision of Article 59 paragraph 4 (hereinafter referred to as "special project executor") or an officer or employee of the juridical person which is a special project executor has received or demanded a bribe or entered into an agreement to receive the same in connection with his duties connected with the city planning project concerned, he shall be punished with penal servitude not exceeding three years. If in consequence of the above he has committed an improper act or has failed to perform a required act, he shall be punished with penal servitude not exceeding seven years.

2 If a person who was a special project executor or an officer or employee of the juridical person which is a special project executor receives or demands a bribe or enters into an agreement to receive the same for his having committed an improper act or having failed to perform a required act during his tenure of office, in response to solicitation, in connection with his duties connected with the city planning project concerned, he shall be punished with penal servitude not exceeding three years.

3 If a special project executor or an officer or employee of the juridical person which is a special project executor has, in response to a solicitation, caused a bribe to be given to a third party or entered into an agreement to cause such bribe to be given in connection with his duties connected with the city planning project concerned, he shall be punished with penal servitude not exceeding three years.

4 The bribe received by the offender or by a third person knowing it to be such shall be confiscated. When it is not possible to collect such bribe either in whole or in part, the equivalent value shall be collected from him.

Article 90. Any person who has given, offered, or agreed to give the bribe mentioned in paragraphs 1 to 3 inclusive of the preceding Article shall be punished with penal servitude not exceeding three years or with a fine not exceeding three hundred thousand yen.

2 If any person who has committed the offense of the preceding paragraph makes voluntary confession prior to official cognizance being taken thereof, the penalty may be mitigated or remitted.

Article 91. Any person who has not followed the order given by the Minister of Construction or the prefectural governor under the provision of Article 81 paragraph 1 shall be punished with penal servitude not exceeding one year or with a fine not exceeding two hundred thousand yen.

Article 92. A person who falls under any of the following items shall be punished with a fine not exceeding two hundred thousand yen:

(1) Person who, in contravention of the provision of Article 25 paragraph 5, has refused or obstructed the entry into land provided for in paragraph 1 of the same Article;

(2) Person who, in the case provided for in Article 26 paragraph 1, has felled or removed the obstacle without obtaining the permission of the head of the city, town or village concerned or has carried out trial digging etc. of the land without obtaining the permission of the prefectural governor concerned;

(3) Person who, in contravention of the provision of Article 29, has carried out land development;

(4) Person who, in contravention of the provision of Article 37 or Article 42 paragraph 1, has constructed any building or special structure;

(5) Person who, in contravention of the provision of Article 41 paragraph 2, has constructed any building.

(6) Person who, in contravention of the provision of Article 42 paragraph 1 or Article 43 paragraph 1, has changed the use of a building;

(7) Person who, in contravention of the provision of Article 43 paragraph 1, has constructed any building or category 1 special structure.

Article 93. A person who falls under either of the following two items shall be punished with a fine not exceeding thirty thousand yen:

(1) Person who, having been requested to submit a report or material under the provision of Article 80 paragraph 1, has failed to submit the report or material or has submitted a false report or material;

(2) Person who has refused, obstructed or evaded the spot inspection under the provision of Article 82 paragraph 1.

Article 94. In case the representative of a juridical person, or an agent or an employee of or any other person working for a juridical or natural person has committed any of the violating acts mentioned in the preceding three Articles in connection with the business or the property of the juridical or natural person, not only the offender shall be punished but the juridical or natural person shall also be punished with a fine prescribed in the corresponding Article.

Article 95. A person who falls under any of the following items shall be liable to a non-penal fine not exceeding two hundred thousand yen:

(1) Person who, in contravention of the provision of Article 52-3 paragraph 2 (including the provision applied mutatis mutandis in Article 57-4), Article 57 paragraph 2 or Article 67 paragraph 1, has transferred land, land and building, etc. for counter value without giving notification of it;

(2) Person who, in giving the notification of Article 52-3 paragraph 2 (including the paragraph applied mutatis mutandis in Article 57-4), Article 57 paragraph 2 or Article 67 paragraph 1, has given false notification;

(3) Person who, in contravention of the provision of Article 52-3 paragraph 4 (including the provision applied mutatis mutandis in Article 57-4), Article 57 paragraph 4 or Article 67 paragraph 3, has transferred the land, building, etc. concerned during the period provided for in the said paragraphs.

Article 96. A person who, in contravention of the provision of Article 38, has failed to give notification or has given false notification shall be liable to a non-penal fine not exceeding thirty thousand yen.

Article 97. In the bylaw based on the provision of Article 58 paragraph 1, there may be made a provision for imposing a fine only.

Supplementary Provisions (an extract)

(Date of Enforcement)

1 This Law shall come into force as from the day to be fixed separately by law.

(Abrogation of the City Planning Law etc.)

2 The following laws shall be abrogated:

(1) City Planning Law (Law No. 36 of 1919);

(2) Law concerning Residential Area Development Projects (Law No. 160 of 1964).

(Special Rule concerning Regulation of Land Development, etc.)

3 The provisions in this Law concerning the urbanization promotion area, the urbanization control area and the regulation of land development etc. under the provisions of Chapter III Section 1 shall not apply for the time being to the city planning areas to be comprised in large cities or cities in their environs or to other city planning areas other then the city planning areas to be fixed by Cabinet Order.

4 For a city planning area for which no city plan involving the urbanization promotion area and the urbanization control area has been fixed, a person who intends to carry out in the area land development beyond a scale fixed by a relevant Cabinet Order must, until the time the city plan concerned is fixed, obtain in advance the permission of the prefectural governor. However, the same shall not apply to land development carried out for the purpose of using the land for building there buildings fixed by Cabinet Order intended for agricultural, forestry or fishery use or buildings intended for the dwelling use of persons engaged in such business and to land development projects listed in Article 29 items (3) to (9) inclusive.

5 The provisions of Articles 30 to 33 inclusive, Articles 35 to 39 inclusive, Article 40 paragraphs 1 and 2, Article 41, Article 42, Articles 44 to 47 inclusive, Articles 49 to 52 inclusive and Article 86 shall apply mutatis mutandis to the case of the preceding paragraph. In the application, "the urbanization control area" in Article 41 shall read "the area where no use district is fixed."

6 A person who has carried out land development in contravention of the provision of paragraph 4 of the Supplementary Provisions, a person who has constructed a building or a special structure in contravention of the provision of Article 37 or Article 42 paragraph 1 applied mutatis mutandis in the preceding paragraph, a person who has constructed a building in contravention of the provision of Article 41 paragraph 2 applied mutatis mutandis in the preceding paragraph and a person who has changed the use of a building in contravention of the provision of Article 42 paragraph 1 applied mutatis mutandis in the preceding paragraph shall be punished with a fine not exceeding 200,000 yen.

7 In case the representative of a juridical person, or an agent or an employee of or any other person working for a juridical or natural person has committed any of the violating acts mentioned in the preceding paragraph in connection with the business or the property of the juridical or natural person, the juridical person or the natural person as well as the person who has committed the act shall be punished with the penalty prescribed in the paragraph.

8 A person who has failed to submit a notification in contravention of the provision of Article 38 applied mutatis mutandis in paragraph 5 of the Supplementary Provisions or has submitted a false notification shall be punished with a non-penal fine not exceeding 30,000 yen.

LARGE-SCALE EARTHQUAKE COUNTERMEASURES ACT

Purpose

Article 1. The purpose of this Act is to protect life and property of the citizens from the hazards of earthquakes through the intensification of earthquake disaster prevention measures by taking necessary steps regarding the designation of areas under intensified measures against earthquake disaster, establishment of a seismological observation system, and other matters relating to the establishment of an earthquake disaster prevention system, and also regarding short-term prevention measures against earthquake disaster and other related matters, thus contributing to the preservation of social order and the securing of public welfare.

Definitions

Article 2. Terms employed in this Act shall be defined as below:

1) Earthquake disaster means damage directly caused by an earthquake and any other damage caused by tsunami, fire, explosion and any other unusual phenomena which may follow the earthquake.
2) Earthquake disaster prevention means the planning to prevent an earthquake disaster or to reduce the damage which may be caused by the disaster if it should occur.
3) Earthquake prediction information means the information concerning earthquakes prescribed under Article 11-2, Paragraph 1 of the Meteorogical Service Law (Law No. 165, 1952) and the information concerning a new situation prescribed under Paragraph 2 of the same Article.
4) Areas under intensified measures against earthquake disaster means those areas designated under the provision of Paragraph 1 of the next Article.
5) Designated administrative organs means those administrative organs designated under the provision of Article 2-(3) of the Disaster Countermeasures Basic Law (Law No. 223, 1961).

6) Designated local administrative organs means those local administrative organs designated under the provision of Article 2-(4) of the Disaster Countermeasures Basic Law.

7) Designated public corporations means those public corporations designated under the provision of Article 2-(5) of the Disaster Countermeasures Basic Law.

8) Designated local public corporations means those local public corporations designated under the provision of Article 2-(6) of the Disaster Countermeasures Basic Law.

9) Earthquake disaster prevention plans means a basic plan of earthquake disaster prevention, an intensified plan of earthquake disaster prevention and a short-term plan of earthquake disaster prevention

10) Basic plan of earthquake disaster prevention means a basic plan to be prepared by the Central Disaster Prevention Council for the area under intensified measures against earthquake disaster.

11) Intensified plan of earthquake disaster prevention means those sections of the following plans prescribed for matters under Article 6, Paragraph 1: the operational disaster prevention plan prescribed under Article 2-(9) of the Disaster Countermeasures Basic Law, the local disaster prevention plan prescribed under Article 2-(10) of the same Law and the disaster prevention plan for petroleum complex and others prescribed under Article 31, Paragraph 1 of the Disaster Prevention Law for Petroleum Complex and Others (Law No. 84, 1975).

12) Short-term plan of earthquake disaster prevention means a plan regarding short-term prevention measures against earthquake disaster to be prepared by those designated under the provision of Article 7, Paragraph 1 or Paragraph 2 of this Act.

13) Earthquake warnings statement means the warnings statement regarding earthquake disaster issued by the Prime Minister under the provision of Article 9, Paragraph 1.

14) Short-term prevention measures against earthquake disaster means those short-term measures to be taken for the prevention of the large-scale earthquake disaster during the period from the time of the issuance of a warnings statement until the occurrence of the earthquake for which the statement has been issued or until such a possibility has disappeared.

Designation of areas under intensified measures against earthquake disaster, etc.

Article 3. Because serious disaster may ensue when a large-scale earthquake occurs within the earth crust where a large-scale earthquake is particularly hazardous, the Prime Minister shall designate the area where it is necessary to take intensified measures for earthquake disaster prevention as an area under intensified measures against earthquake disaster (hereafter referred to as "intensified area").

2. The Prime Minister shall consult the Central Disaster Prevention Council prior to making such a designation as prescribed under the provision of the above Paragraph.

3. The Primie Minister shall hear the views of the prefectural governors concerned, prior to making such a designation as prescribed under the provision of Paragraph 1, who are to hear the views of the mayors of municipalities (cities, towns and villages) concerned, prior to presenting their views to the Prime Minister.

4. The Prime Minister, upon making such designations as prescribed under the provision of Paragraph 1, shall make public announcements accordingly.

5. The provisions under the preceding three Paragraphs are applied correspondingly to the case of the Prime Minister cancelling such designations of intensified areas as prescribed under the provision of Paragraph 1.

Intensification of seismological observations and surveys regarding intensified areas

Article 4. In order to predict the occurrence of a large-scale earthquake related to the intensified areas and to prevent or reduce earthquake disaster, the State shall systematically intensify seismological observations and surveys, carrying out incessant observations of geophysical and hydrological phenomena and intensifying geodetic surveys of land and sea bottom (referred to as "surveys" in Article 33).

Basic plan of earthquake disaster prevention

Article 5. When an intensified area is designated under the provision of Article 3, Paragraph 1, the Central Disaster Prevention Council shall formulate a basic plan of earthquake disaster prevention for the intensified area and promote its implementation.

2. The basic plan of earthquake disaster prevention is to formulate a basic policy of the State regarding earthquake disaster prevention following the issuance of earthquake warnings statement, the basis for an intensified plan of earthquake disaster prevention and a short-term plan of earthquake disaster prevention and other matters prescribed under the cabinet order of the Act.

3. The provision of Article 34, Paragraph 2, of the Disaster Countermeasures Basic Law is applied correspondingly to the case of formulating or amending the basic plan of earthquake disaster prevention prescribed under Paragraph 1.

Intensified plan of earthquake disaster prevention

Article 6. With the designation of an intensified area under the provision of Article 3, Paragraph 1, chief officers of designated administrative organs prescribed under the provision of Article 2-(9) of the Disaster Countermeasures Basic Law (or chief officers of local administrative organs, within the matters entrusted by the chief officers of the designated administrative organs) and designated public corporations (or local public corporations, within the matters entrusted by the designated public corporations) shall, in the operational disaster prevention plan prescribed under Article 2-(9) of the Disaster Countermeasures Basic Law, make arrangements itemized below. The same applies to the local disaster prevention council and those councils prescribed under the provision of Article 21 (or the mayors of the municipalities concerned in the absence of the council) for the local disaster prevention plan prescribed under the provision of Article 2-(10), the headquarters for disaster prevention for petroleum complex and others prescribed under the provision of Article 27, Paragraph 1 of the Disaster Prevention Law for Petroleum Complex and Others (referred to as the headquarters for disaster prevention for petroleum complex and others under Article 28, Paragraph 2) and the council of the disaster prevention headquarters prescribed under the provision of Article 30, Paragraph 1 for the disaster prevention plan for petroleum complex and others under the provision of Article 31, Paragraph 1.

1) Matters relating to short-term prevention measures against earthquake disaster.

2) Matters relating to those facilities prescribed under the cabinet order such as places of refuge, evacuation routes and fire-fighting facilities to be provided promptly for the prevention of the large-scale earthquake disaster.

3) Matters prescribed under the cabinet order relating to disaster prevention exercises and other disaster prevention measures against the large-scale earthquake.

2. The intensified plan of earthquake disaster prevention shall be based on the basic plan of earthquake disaster prevention.

Short-term plan of earthquake disaster prevention

Article 7. Those who shall administer or operate the facilities or enterprises within the intensified area, which are listed below and prescribed under the cabinet order (excluding those prescribed under Paragraph 1 of the preceding Article) shall formulate a short-term plan of earthquake disaster prevention for each facilities or enterprises in advance.

1) Hospitals, theaters, department stores, hotels and other facilities used by an unrestricted and large number of people.

2) Those facilities which manufacture, store, process or handle petroleum, explosives, high-pressure gas and other materials prescribed under the cabinet order.

3) Private railways and other enterprises relating to passenger service.

4) In addition to those listed above, other important facilities or enterprises for which earthquake disaster prevention measures are considered to be necessary.

2. Those, who administer or operate the facilities or enterprises in the preceding cabinet order within the area upon the designation of an intensified area under the provision of Article 3, Paragraph 1 (excluding those prescribed under the provision of Paragraph 1 of the preceding Article), shall formulate a short-term plan of earthquake disaster prevention within six months from the date of the designation.

3. If it becomes necessary to amend the short-term plan of earthquake disaster prevention because of the expansion of the facilities or changes in the operations of the enterprises, those who formulated the plan shall alter the plan without delay.

4. The short-term plan of earthquake disaster prevention is to make arrangements regarding short-term prevention measures against earthquake disaster for the facilities or enterprises concerned and other matters prescribed under the cabinet order.

5. The short-term plan of earthquake disaster prevention shall not contradict or interfere with the intensified plan of earthquake disaster prevention.

6. Those prescribed under the provision of Paragraph 1 or 2 who formulated the short-term plan of earthquake disaster prevention are required to report it to the prefectural governors concerned without delay and send the copy to the mayors of municipalities concerned. The same applies when the plan has been amended.

7. If those prescribed under the provision of Paragraph 1 or 2 fail to comply with the above requirement to report, the prefectural governors concerned may advise them to do so within a specified period of time.

8. If those who have received the advice prescribed above fail to report within the specified period of time, the prefectural governors may make the fact public.

Special cases in formulating the short-term plan of earthquake disaster prevention

Article 8. If those prescribed under the provision of Paragraph 1 or 2 of the preceding Article made arrangements based on legal provisions in the plans and the regulations listed below, regarding the matters prescribed under Paragraph 4 of the above Article for facilities or enterprises prescribed under Paragraph 1 of the same Article, those arrangements made regarding the matters concerned (referred to as "regulations of earthquake disaster prevention") are to be regarded as the short-term plan of earthquake disaster prevention and this Act shall be applied to these arrangements.

1) The fire-fighting plan prescribed under the provision of Article 8, Paragraph 1 or Article 8-2, Paragraph 1 of the Fire Service Law (Law No. 186, 1948) or the regulations of fire prevention prescribed under Article 14-2, Paragraph 1 of the same Law.

2) The regulations of disaster prevention prescribed under Article 28, Paragraph 1 of the Explosives Control Law (Law No. 149, 1950).

3) The regulations of disaster prevention prescribed under Article 26, Paragraph 1 of the High Pressure Gas Control Law (Law No. 204, 1951).

4) The safety regulations prescribed under Article 30, Paragraph 1 (including the corresponding application under Article 37-7, Paragraph 3) of the Gas Utility Industry Law (Law No. 51, 1954).

5) The safety regulations prescribed under Article 52, Paragraph 1 of the Electricity Utility Industry Law (Law No. 170, 1964).

6) The safety regulations prescribed under Article 27, Paragraph 1 of the Petroleum Pipeline Business Law (Law No. 105, 1972).

7) The regulations of disaster prevention prescribed under Article 18, Paragraph 1 of the Disaster Prevention Law for Petroleum Complex and Others.

8) Those prescribed under the order of the Prime Minister's Office as corresponding to the above plans and regulations.

2. Those who formulated the regulations of earthquake disaster prevention are required, irrespective of the provision of Paragraph 6 of the preceding Article, to send the copy to the mayors of the municipalities concerned by the cabinet order. The same applies when the regulations of earthquake disaster prevention have been amended.

Earthquake warnings statement

Article 9. When the Prime Minister, upon receipt of earthquake prediction information from the Director-General of the Meteorological Agency, recognizes that the implementation of short-term measures against earthquake disaster is in urgent need, he shall, upon consultation with the Cabinet, issue an earthquake warnings statement. At the same time, the Prime Minister shall take the following steps.

1) To notify publicly the residents, sojourners and others, and public and private bodies within the intensified area (hereafter referred to as "residents") that they shall be prepared for the emergency.

2) To inform the designated public corporations and the prefectural governors concerned that the short-term prevention measures against earthquake disaster are to be taken in accordance with laws or the intensified plan of earthquake disaster prevention.

2. Upon issuing an earthquake warnings statement, the Prime Minister immediately shall take such steps as to inform the citizens of the contents of the earthquake prediction information. In this case the Prime Minister shall make the Director-General of the Meteorological Agency explain technical matters regarding the earthquake prediction information.

3. When the Prime Minister recognizes that the possibility of the occurrence of the earthquake which has been warned has disappeared upon receipt of additional earthquake prediction information from the Director-General of the Meteorological Agency after issuing the earthquake warnings statement, he shall, upon consultation with the Cabinet, cancel the warnings statement. At the same time, the Prime Minister shall notify publicly those prescribed under Paragraph 1-(1) accordingly and inform those prescribed under Paragraph 1-(2) that the implementation of the prescribed measures is to be terminated.

Establishment of the National Headquarters for Earthquake Disaster Prevention

Article 10. Upon issuing an earthquake warnings statement, the Prime Minister shall establish temporarily, within the Prime Minister's Office, the National Headquarters for Earthquake Disaster Prevention (hereafter referred to as the "Headquarters") irrespective of the provision of Article 8 of the National Government Organization Law (Law No. 120, 1948).

2. The name of the Headquarters, its jurisdiction, location and duration shall be decided by the Prime Minister upon consultation with the Cabinet.

Organization of the Headquarters

Article 11. The national headquarters for earthquake disaster prevention shall be headed by a general director (hereafter referred to as "the General Director" to Article 13), who shall be the Prime Minister (in case the Prime Minister is not able to carry out his duties, a Minister designated in advance by the Prime Minister).

2. The General Director shall supervise the affairs and members of the staff of the Headquarters.

3. The Headquarters shall have a Vice General Director, staff members and other officials.

4. The Vice General Director shall be a Minister.

5. The Vice General Director shall assist the General Director and act for the latter in case the latter is not able to carry out his duties.

6. The staff members and other officials of the Headquarters shall be appointed by the Prime Minister from officials of designated administrative organs or chief officers or officials of designated local administrative organs.

Task of the Headquarters

Article 12. The Headquarters shall perform the tasks listed below:

1) To integrate and coordinate those short-term prevention measures against earthquake disaster or those emergency measures against earthquake disaster prescribed under the provision of Article 50, Paragraph 1 of the Disaster Countermeasures Basic Law (hereafter referred to as "the short-term prevention measures against earthquake disaster, etc.") taken within the jurisdiction by chief officers of designated administrative organs and designated local administrative organs, heads of local public bodies and other executive organs, designated public corporations and designated local public corporations.
2) Matters within the power of the General Director prescribed under the provision of Article 28, Paragraph 1 of the Disaster Countermeasures Basic Law corresponding to the provision under the next Article and Article 15.
3) In addition to those listed above, those matters within the power of the Headquarters as prescribed under legal provisions.

Power of the General Director

Article 13. In order to carry out the short-term prevention measures against earthquake disaster, etc. appropriately and quickly, the General Director may, if necessary, give necessary instructions, to the extent of the necessity, to chief officers of designated local administrative organs, heads of local public bodies and other executive organs, designated public corporations and designated local public corporations concerned.

2. In order to carry out the short-term prevention measures against earthquake disaster appropriately and quickly, the General Director may, if necessary, request Minister of State for Defense to dispatch the Self-Defense Forces as prescribed under the provision of Article 8 of the Self-Defense Forces Law (Law No. 165, 1954) to aid in the implementation of the short-term prevention measures against earthquake disaster.

Abolition of the Headquarters

Article 14. The Headquarters shall be abolished with the establishment of the headquarters for major disaster control as prescribed under the provision of Article 24, Paragraph 1 of the Disaster Countermeasures Basic Law or the headquarters for emergency disaster control as prescribed under the provision of Article 107, Paragraph 1 of the same Law in respect of the earthquake disaster anticipated, or with the expiration of the period of establishment of the Headquarters.

Corresponding Application of the Disaster Countermeasures Basic Law to the Headquarters

Aritcle 15. The provisions of Article 24, Paragraph 3, Article 27 and Article 28, Paragraph 1 of the Disaster Countermeasures Basic Law shall be applied correspondingly to the case of the establishment of the Headquarters. In this case, the "emergency measures against disaster" in Article 27, Paragraph 1 of the same Law shall be understood as "emergency measures against disaster or short-term prevention measures against earthquake disaster prescribed under Article 2-(14) of the Large-Scale Earthquake Countermeasures Act."

Establishment of the prefectural headquarters for earthquake disaster prevention and of the municipal headquarters for earthquake disaster prevention

Article 16. Upon the issuance of an earthquake warnings statement, prefectural governors of the intensified area shall establish the prefectural headquarters for earthquake disaster prevention (hereafter referred to as "the prefectural headquarters"), and mayors of municipalities shall establish the municipal headquarters for earthquake disaster prevention (hereafter referred to as "the municipal headquarters").

Organization and task of the prefectural headquarters

Article 17. The prefectural headquarters shall be headed by a general director, who shall be the prefectural governor.

2. The prefectural headquarters shall have vice general directors, staff members and other officials.

3. The vice general directors of the prefectural headquarters shall be appointed by the prefectural governor from the staff members of the prefectural headquarters.

4. The vice general directors shall assist the general director and act for the latter in case the latter is not able to carry out his duties.

5. The staff members shall consist of those listed below:

1) The chief officers of designated local administrative organs exercising jurisdiction over the whole or part of the prefectural area, or its officials named by the chief officers.
2) The Commanding Generals of the Ground Self-Defence Force exercising jurisdiction over the prefectural area or the chief officers of units or organs named by the Commanding Generals.
3) The chief educator of the board of education of the prefecture.
4) The Superintendant-General of the Tokyo Metropolitan Police Department or the directors of the prefectural police headquarters concerned (referred to as "directors of police headquarters" under Article 23, Paragraph 5).
5) Those prefectural officials named by the prefectural governors.
6) Those officials of municipalities and fire-fighting units within the prefectural areas appointed by the prefectural governors concerned.
7) Those officers or officials of designated public corporations or local public corporations operating in the prefectural areas concerned appointed by the prefectural governors concerned.

6. Those officials other than vice general directors and staff members of the prefectural headquarters shall be appointed from prefectural officials by the prefectural governors concerned.

7. The prefectural headquarters shall perform the tasks listed below:

1) To coordinate those short-term prevention measures against earthquake disaster, etc. implemented by chief officers of designated local administrative organs, mayors of municipalities and other executive organs, designated public corporations and designated local public corporations in the prefectural area.
2) To implement short-term prevention measures against earthquake disaster, etc. in the prefectural areas concerned and to promote the implementation.
3) Matters within the power of the general director of the prefectural headquarters for earthquake disaster prevention as prescribed under the next Paragraph.
4) In addition to those listed above, other matters within its power as prescribed under various laws or cabinet orders based on them.

8. In order to carry out short-term prevention measures against earthquake disaster, etc. in the prefectural areas concerned, the genral directors of the prefectural headquarters may, to the extent of the necessity, give instructions to the prefectural police or the prefectural board of education.

9. Other necessary matters than those listed above, regarding the prefectural headquarters, shall be prescribed under the prefectural bylaws.

10. While the prefectural headquarters are established, the prefectural disaster prevention councils prescribed under Article 14, Paragraph 1 of the Disaster Countermeasures Basic Law shall not, irrespective of the provision of Paragraph 2 of the same Article, perform its task regarding earthquake disaster anticipated through the earthquake prediction information, which is listed under Paragraph 2-(1) ~ (3) of the same Article.

Organization and task of the municipal headquarters

Article 18. The municipal headquarters shall be headed by a general director, who shall be the mayor of the municipality.

2. The municipal headquarters shall perform the tasks listed below:

1) To implement short-term prevention measures against earthquake disaster, etc. in the municipal area and to promote the implementation.

2) Matters within the power of the general director of the municipal headquarters prescribed under the next Paragraph.

3) In addition to those listed above, those matters within its power as prescribed under laws and cabinet orders based on them.

3. In order to carry out short-term prevention measures against earthquake disaster, etc. in the municipal area, the general director of the municipal headquarters may, to the extent of the necessity, give necessary instructions to the board of education of the municipality concerned.

4. In addition to those prescribed above, the organization of the municipal headquarters and other necessary matters may be prescribed under the municipal bylaws.

Abolition of prefectural headquarters or municipal headquarters

Article 19. The prefectural headquarters or the municipal headquarters shall be abolished with the establishment of headquarters for disaster control as prescribed under Article 23, Paragraph 1 of the Disaster Countermeasures Basic Law regarding the earthquake disaster anticipated through the earthquake prediction information.

2. The prefectural headquarters or the municipal headquarters shall be abolished promptly with the cancellation of the earthquake warnings statement prescribed under Article 9, Paragraph 3.

Corresponding application of the Disaster Countermeasures Basic Law regarding transmission of earthquake prediction information

Article 20. The provision under Article 51 of the Disaster Countermeasures Basic Law shall be applied correspondingly regarding the transmission of earthquake prediction information, the provision under Article 52 regarding disaster prevention signals when an earthquake warnings statement is issued and the provisions under Article 55-57 when the prefectural governors or mayors of municipalities are informed of the earthquake warnings statement. In this case, "and public bodies and administrators of facilities important in disaster prevention (hereafter referred to as 'those responsible for emergency measures against disaster' in Article 58)" shall be understood as "and those responsible for the implementation of short-term prevention measures against earthquake disaster prescribed under Article 2-(14) of the Large-Scale Earthquake Countermeasures Act".

Short-term prevention measures against earthquake disaster and the responsibility for their implementation

Article 21. Short-term prevention measures against earthquake disaster shall be taken regarding the matters listed below:

1) Transmission of earthquake prediction information and recommendations or instructions of evacuation.
2) Emergency measures regarding fire-fighting, flood prevention and others.
3) Aid to those who are in need of immediate assistance and other matters regarding protection.
4) Maintenance and inspection of facilities and equipments.
5) Crime prevention, traffic control and other matters regarding the preservation of social order in the area which is likely to meet disaster by the large-scale earthquake.
6) To ensure emergency transportation.
7) Arrangement of a necessary system to carry out emergency measures to secure food, medical and other supplies, public health such as cleaning and prevention of infectious diseases and other matters when an earthquake disaster should occur.
8) In addition to those listed above, emergency measures to prevent earthquake disaster or to reduce the damage.

2. When an earthquake warnings statement is issued, chief officers of designated administrative organs and designated local administrative organs, heads of local public bodies and other executive organs, designated public corporations, those who formulated short-term plan of earthquake disaster prevention and others responsible for the implementation of short-term prevention measures against earthquake disaster prescribed under legal provisions shall carry out short-term prevention measures against earthquake disaster as prescribed under legal provisions or earthquake disaster prevention plans.

3. Those prescribed above shall cooperate with one another to carry out short-term prevention measures against earthquake disaster appropriately and smoothly.

Responsibilities of the citizens

Article 22. When an earthquake warnings statement is issued, residents within the intensified area are urged to take necessary measures regarding self-control of the use of fire, driving, dangerous work and others, preparation for fire-fighting and others to prevent or to reduce the disaster. At the same time, they are urged to cooperate in those short-term prevention measures against earthquake disaster carried out by the mayors of municipalities, police officers, maritime safey officials and others.

Instructions from mayors of municipalities

Article 23. When those who notified as prescribed under the provisions of Article 7, Paragraph 6 or Article 8, Paragraph 2 (excluding those prescribed by the cabinet order) are found to be not carrying out short-term prevention measures against earthquake disaster prescribed under the provision of Article 21, Paragraph 2, after the issuance of earthquake warnings statement, mayors of municipalities may instruct them to carry out the measures immediately.

2. When mayors of municipalities recognize that those facilities or enterprises administered or operated by those prescribed under the provisions of Article 7, Paragraph 1 or Paragraph 2 but not notified as prescribed under the provisions of Paragraph 6 of the same Article or Article 8, Paragraph 2 (excluding those prescribed by the cabinet order) are likely to cause a dangerous situation if the earthquake should occur after the issuance of earthquake warnings statement, mayors of municipalities may instruct them to carry out necessary measures immediately to prevent the occurrence of the dangerous situation.

3. When an earthquake warnings statement is issued, mayors of municipalities may instruct occupants, owners or administrators of objects which are likely to cause a dangerous situation if the earthquake should occur (excluding those prescribed under the provision of Article 6, Paragraph 1 or Article 7, Paragraph 1 or Paragraph 2) to remove the objects concerned or take necessary safety measures immediately, to the extent of the necessity, in order to prevent or reduce the earthquake disaster.

4. In addition to those prescribed above, when mayors of municipalities recognize that it is necessary to prevent or reduce the disaster which may be caused by the earthquake after the issuance of earthquake warnings statement, they may request or recommend those prescribed under the above three Paragraphs to take necessary measures.

5. Prefectural governors, directors of police headquarters or chiefs of offices of regional maritime safety headquarters prescribed by the cabinet order may, upon request from mayors of municipalities, instruct, request or recommend as prescribed under the above Paragraphs.

Ban or restrictions on traffic

Article 24. When prefectural public safety commissions of the prefectures in the intensified area or those of the adjacent prefectures recognize that it is necessary to carry out evacuation of residents, sojourners and others within the intensified area smoothly, or that it is necessary to secure emergency transportation to carry out short-term prevention measures against earthquake disaster such as emergency transportation of personnel engaged in short-term prevention measures or supplies necessary for the short-term measures after the issuance of earthquake warnings statement, they may ban or restrict pedestrian or vehicle traffic to the extent of the necessity as prescribed by the cabinet order.

Warnings, instructions and others by police officers during evacuation

Article 25. When police officers recognize that a dangerous situation is likely to occur with congestion due to evacuation after the issuance of earthquake warnings statement, they may give necessary warnings or instructions to those who may cause danger or who may be in danger in order to prevent the occurrence of the dangerous situation. In this case, police officers may, if it is found to be especially necessary, take necessary measures such as prohibiting entry into dangerous places, withdrawal of persons from such places, or removal of vehicles and other objects on the road which may cause danger.

Corresponding application of the Disaster Countermeasures Basic Law in respect of short-term prevention measures against earthquake disaster

Article 26. The provisions under Articles 58, 60, 61, 63, 67, 68, 74 and 79 of the Disaster Countermeasures Basic Law shall be applied correspondingly in the situation when earthquake warnings statement is issued. In this case, "those responsible for emergency measures against disaster" in Article 58 shall be understood as "those responsible for the implementation of short-term prevention measures against earthquake disaster prescribed under Article 2-(14) of the Large-Scale Earthquake Countermeasures Act", and "report" in Article 60, Paragraph 3 as "report and notify the chief of police station concerned".

2. The provision under Article 72 of the Disaster Countermeasures Basic Law shall be applied correspondingly to the instructions which prefectural governors give to mayors of municipalities when earthquake warnings statement is issued.

3. The provision under Article 86 of the Disaster Countermeasures Basic Law shall be applied correspondingly to lease or use of properties of State or local public bodies for the implementation of short-term prevention measres against earthquake disaster.

Special cases of public use of private properties in emergency

Article 27. When mayors of municipalities recognize that there is an urgent need for the implementation of short-term prevention measures against earthquake disaster, they may use any plot, buildings or any other structures belonging to any person within the municipalities concerned temporarily or use soil and stone, bamboo and lumber, and other objects as prescribed by the cabinet order.

2. The provision under Article 63, Paragraph 2 of the Disaster Countermeasures Basic Law shall be applied correspondingly to the case of the preceding Paragraph.

3. Prefectural governors may, if it is found to be especially necessary for the implementation of short-term prevention measures against earthquake disaster regarding those matters mentioned under Article 21, Paragraph 1-(4) ~ (8), invoke the provisions of Articles 25 ~ 27 of the Disaster Relief Law (Law No. 118, 1947) and issue orders for cooperation or custody, use plots, houses and materials, expropriate materials, cause their officials to enter and inspect the place where the materials are located or stored, or collect necessary information from the person who had the materials stored.

4. The power of prefectural governors prescribed under the preceding Paragraph may, as prescribed by the cabinet order, be delegated partly to the mayors of municipalities.

5. Chief officers of designated administrative organs and local administrative organs may, if it is found to be especially necessry for the implementation of short-term prevention measures against earthquake disaster regarding matters listed under Article 21, Paragraph 1-(4) ~ (8), as prescribed under the intensified plan of earthquake disaster prevention, order those who are engaged in production, collection, sales, distribution, storage or transportation of materials necessary for carrying out the measures concerned to store the materials they handle, or cause their officials to enter and inspect the place where the materials are located or stored, or collect necessary information from the person who had the materials stored.

6. The State or local public bodies shall, if the actions prescribed under Paragraphs 1, 3 and the preceding Paragraph have been taken, compensate for any normal loss that may result from the actions.

7. With regard to the actions prescribed under Paragraph 3 or 5, prefectural governors, mayors of municipalities, chief officers of designated administrative organs and designated local administrative organs shall serve official orders before taking the actions, as prescribed by the cabinet order.

8. The official order prescribed above shall have the following matters entered as prescribed by the cabinet order.

1) Name and address of the person who is served with the official order (in the case of a corporation, the name and address of its main office).
2) The provisions of laws on which the action is based.

3) In the case of an order for custody, kind, quantity, place of custody and duration in respect of the materials to be kept. For the use of plot or a house, its location and the duration of such use. For the use or appropriation of materials, kind, quantity, location, duration of such use or the date of appropriation.

9. The provision under Article 83 of the Disaster Countermeasures Basic Law is applied correspondingly to the case of entry of prefectural officials as prescribed under the provision of Paragraph 3, and also to the case of entry of officials of designated administrative organs or designated local administrative organs as prescribed under the provision of Paragraph 5.

Report on the situation regarding evacuation and others

Article 28. When an earthquake warnings statement is issued, mayors of municipalities shall, as prescribed by the cabinet order, report to the prefectural headquarters on the situation regarding evacuation and others. In this case, the general director of the prefectural headquarters shall give an outline of the report to the Headquarters.

2. Mayors of municipalities shall report to the prefectural headquarters on the situation regarding the short-term prevention measures against earthquake disaster being taken, as prescribed by the cabinet order. Chief officers of designated administrative organs, representatives of designated public corporations, general directors of prefectural headquarters, and the general director of the headquarters of disaster prevention for petroleum complex and others shall report to the Headquarters on the situation regarding the measures being taken, as prescribed by the cabinet order.

Financial assistance

Article 29. For smooth implementation of the work regarding those facilities which shall be provided promptly, based on the intensified plan of earthquake disaster prevention, the State may, within the limits of its budget, subsidize part of the expenses required for the work, or take other necessary measures.

Bearing of expenses required for short-term prevention measures against earthquake disaster

Article 30. Except for the cases that there are special legal provisions or special measures are being taken within the limits of the budget, expenses required for short-term prevention measures agaisnt earthquake disaster and other expenses required for the enforcement of this Act shall be borne by those responsible for the implementation.

Corresponding application of the Disaster Countermeasures Basic Law in respect of financial measures

Article 31. The provision under Article 92 of the Disaster Countermeasures Basic Law shall be applied correspondingly to the expenses required for support prescribed under Article 67, Paragraph 1, Article 68, Paragraph 1 or Article 74, Paragraph 1 of the same Law, which are applied correspondingly in Article 26, Paragraph 1 of this Act; the provision under Article 93 of the same Law to the expenses required for both short-term prevention measures against earthquake disaster and support carried out by mayors of municipalities as directed by prefectural governors under the provision of Article 72 of the Law which is applied correspondingly in Article 26, Paragraph 2; the provision under Article 94 of the Law to the expenses required for short-term prevention measures against earthquake disaster; and the provision under Article 95 of the Law to the expenses required for short-term prevention measures against earthquake disaster carried out by heads of local public bodies as directed by the General Director of the National Headquarters for Earthquake Disaster Prevention under the provision of Article 13, Paragraph 1.

Earthquake disaster prevention exercises in intensified areas

Article 32. When an intensified area is designated under the provision of Article 3, Paragraph 1, chief officers of designated administrative organs and designated local administrative organs, heads of local public bodies and other executive organs, designated public corporations, those who formulated short-term plan of earthquake disaster prevention and those responsible for the implementation of the short-term prevention measures against earthquake disaster prescribed under legal provisions shall, either individually or in cooperation, carry out earthquake disaster prevention exercises as prescribed by legal provisions or by earthquake disaster prevention plans.

2. For effective implementation of the earthquake disaster prevention exercises prescribed above, the prefectural public safety commissions may, if it is found to be especially necessary, designate section of the road and ban or restrict pedestrian or vehicle traffic to the extent necessary for the exercises as prescribed by the cabinet order.

3. Those prescribed under Paragraph 1 may, for the purpose of carrying out disaster prevention exercises prescribed under the Paragraph, request cooperation from the residents, public and private bodies concerned.

Promotion of science and technology, etc.

Article 33. In order to predict the occurrence of earthquakes, the State shall make efforts to improve the facilities and equipments for seismological observations and surveys. At the same time, the State shall endeavor to improve the system of research, promote research and diffuse its results for the advancement of science and technology which will contribute to earthquake prediction.

Application of this Act to special wards

Article 34. In the application of this Act, special wards are regarded as cities.

Delegation to the cabinet order

Article 35. Except those prescribed under this Act, the procedure for the implementation of this Act and other necessary matters regarding the enforcement of this Act shall be prescribed by the cabinet order.

Penalties

Article 36. Those who come under one of the categories below shall be sentenced to six months' imprisonment with labor or a fine of not exceeding ¥200,000.

1) Those who did not follow orders for cooperation or custody from prefectural governors (including mayors of municipalities who have been delegated the power as prescribed under Article 27, Paragraph 4) as prescribed under Article 27, Paragraph 3.
2) Those who did not follow orders for custody from chief officers of designated administrative organs or designated local administrative organs (including those officials who have been delegated the power under the provision of Article 27, Paragraph 1 of the Disaster Countermeasures Basic Law, applied correspondingly in Article 15) as prescribed under the provision of Article 27, Paragraph 5.

Article 37. Those drivers of vehicles, who did not observe traffic ban or restrictions by the prefectural public safety commissions as prescribed under the provision of Article 24, shall be sentenced to three months' imprisonment with labor or a fine of not exceeding ¥100,000.

Article 38. Those who come under one of the categories below shall be sentenced to a fine of not exceeding ¥100,000.

1) Those who refused, obstructed or avoided spot inspection prescribed under the provision of Article 27, Paragraph 3 (including those cases of delegation of power prescribed under the provision of Article 27, Paragraph 4; applicable hereunder) or Paragraph 5 (including those cases of delegation of power prescribed under the provision of Article 27, Paragraph 1 of the Disaster Countermeasurs Basic Law applied correspondingly in Article 15; applicable hereunder).
2) Those who did not report as prescribed under the provision of Article 27, Paragraph 3 or Paragraph 5, or who submitted false reports.

Article 39. Those who come under one of the categories below shall be sentenced to a fine of not exceeding ¥50,000 or penal detention.

1) Those who used disaster prevention signals unlawfully, which are prescribed by an order of the Prime Minister's Office based on the provision under Article 52, Paragraph 1 of the Disaster Countermeasures Basic Law applied correspondingly in Article 20, or those who used similar signals.
2) Those who did not follow prohibition, restriction or orders for withdrawal by mayors of municipalities under the provision of Article 63, Paragraph 1 of the Disaster Countermeasures Basic Law applied correspondingly in Article 26, Paragraph 1, or by police officers or maritime safety officials under the provision of Article 63, Paragraph 2 of the same Law.

Article 40. If representatives of corporations or authorized agents, employees and other workers of corporations or individuals violate Article 36 or Article 38 in respect of the affairs of the corporations or the individuals, they shall be punished. In addition, the corporations or the individuals shall also be fined as prescribed under the provisions of Articles concerned.

Landslide Prevention Law

March 31, 1958

Final Revision: July 10, 1964 Law 168

Contents (Deleted)

Chapter 1. General Provisions

(Purpose)

Article 1.

The purpose of this law is to contribute towards conservation of national land and stablization of the people's livelihood by preventing landslides and collapsing of dumps and thus prevent or lessen damages caused by these landslides and collapsing dumps.

(Definition)

Article 2.

1. "Landslide" in this law is defined to be the sliding phenomenon of a portion of the land stemming from ground water, etc. or the resulting moving phenomenon.
2. The term "dump" in this law is defined to be the mountain formed of accumulated coal or lignite riprap and refers to those that exist at the time of enforcement of this law. It excludes those on which necessary measures must be taken by the mine owners or those considered to be mine owners according to the stipulations in Article 4 or Article 26 of the Mining Safety Act (Law No. 70 of 1949).
3. The term "landslide prevention facilities" in this law shall be defined to mean drainage facilities, retaining walls, dams

and other facilities to prevent landslides within the landslide-threatened areas designated in the following Article.

4. The term "landslide prevention work" in this law shall be defined to be landslide prevention work such as new installations or improvements of landslide prevention facilities within the landslide-threatened areas designated in the following Article.

(Designation of landslide-threatened areas)

Article 3.

1. When the necessity is recognized to realize the purpose of this law, the Minister concerned, after obtaining the opinion of the Prefectural Governor, can designate as landslide-threatened areas those landslide areas (areas where landslides are occurring or where the danger of landslides is great. Same definition hereafter) and those portions of the adjacent area that will accelerate or induce landslides, or where there is great fear of it accelerating or inducing landslides, in the landslide areas (hereafter to be referred to as "landslide area") that have any relation to public interests.
2. The designation in the foregoing Paragraph must be the minimum area required to realize the purpose of this law.
3. When making the designations in Paragraph 1, the competent Minister must notify the related Prefectural Governor of subject landslide-threatened areas in accordance with the ordinance concerned together with making a public announcement of this area. The same procedure shall apply when rescinding the designation.

4. Designation or rescinding of the designation of the landslide-threatened area shall become effective with the public announcement in the above Paragraph.

(Designation of dump collapsing prevention areas)

Article 4.

1. When the competent Minister recognizes the necessity of making a designation to realize the purpose of this law, he may, after obtaining the opinion of the Prefectural Governor, designate those areas with dumps that possess close connection with public interests as dump collapsing prevention areas.
2. The designations on Paragraph 2 to 4 of the previous Article shall be made in accordance with the stipulations in the above Paragraph. In this case, the "landslide-threatened area" in Paragraph 3 of this Article shall read the "dump collapsing prevention area" and the "landslide-threatened area" in Paragraph 4 of this same Article as the "dump collapsing prevention area".

(Survey)

Article 5

When deemed necessary, the designation in Paragraph 1 of Article 3 shall be made after carrying out surveys at subject site in relation to topography, soil, rainfall, surface water or ground water and also on ground slippage conditions.

(Entry for the purpose of surveying)

Article 6.

1. When unavoidable necessity arises in the course of carrying out the survey in the previous Article, the competent Minister or his employee, or a person who has been entructed with the task may enter the property owned by a different party or may use the property of a third party, which is not being used for any special purpose, for temporary storage of supplies or as a temporary working area.
2. When entering a property pwned by another person in accordance with the stipulations in the previous Paragraph, it will be necessary to initially notify the owner of this fact. However, this will not apply if notification is difficult.
3. When entering a residential site or a fenced in area in accordance with the stipulations in Paragraph 1, it will be necessary to notify the owners of this fact prior to entering the area.
4. Excluding those instances in which the approval of the land owner has been received, entrance to the areas designated in the previous Paragraph is not permitted before sunrise and after sunset.
5. When entering the area designated in Paragraph 1, it will be necessary to carry an identification card which must be presented on demand by those concerned.
6. When using the property of another person, which is not being using for any special purpose, for temporary storage of supplies or for a temporary working area in accordance with stipulations

in Paragraph 1, it will be necessary to initially notify the occupants or owners of the land and obtain their opinion.

7. The occupants or owners of the property cannot refuse or obstruct entry in accordance with the stipulations in Paragraph 1 without justifiable reasons.

8. The Government must compensate those who have suffered losses normally resulting from entry and temporary usage of the property according to stipulations in Paragraph 1.

9. Compensations for losses as stipulated in the previous Paragraph shall be determined by discussions held between the Government and those suffering the loss.

10. When discussions stipulated in the previous Paragraph fail, the Government must prepare their own estimate of the amount of loss involved and pay this amount to those suffering the damage. Those dissatisfied with subject amount may, in accordance with the law, may make an application to the land expropriation committee within 30 days after receipt of the compensation according to stipulations in Article 94 of the Compulsory Land Purchase Act (Law No.219 of 1949).

11. The type of identification and the necessary data for this identification as prescribed in Paragraph 5 shall be determined by competent ordinances.

Chapter 2. Controls in Relation to Landslide-Threatened Areas

(Control of landslide-threatened areas)

Article 7.

Enforcement of landslide work and other controls in the landslide-threatened area shall be carried out by the Prefectural Governor who has overall control of the prefecture where the landslide-threatened area is located.

(Placement of signs)

Article 8

When the Prefsctural Governor receives notification of the designation of a landslide-threatened area in accordance with the stipulations in Paragraph 3 of Article 3, he must immediately place signs in the landslide-threatened area in compliance with determinations under the competent ordinances.

(Basic plan of the landslide prevention work)

Article 9.

When the Prefectural Governor receives notification of the designation of a landslide-threatened area in accordance with Paragraph 3 of Article 3, he must obtain the opinions of the heads of the cities and towns concerned (including special districts. Same hereafter) and prepare a basic plan in relation to landslide prevention work in subject landslide-threatened area and this must be submitted to the competent Minister in charge. The same procedure must be followed for any changes made.

(Work under the direct jurisdiction of the competent Minister)

Article 10.

When the work falls into one of the following listed categories,

the competent Minister may enforce the landslide prevention work directly in lieu of the Prefectural Governor if he considers subject landslide prevention work as being particularly valuable for the conservation of national land. In cases of this nature, the competent Minister must first obtain the opinion of the Prefectural Governor.

1. When the scope of the landslide prevention work is extremely large.
2. When the landslide prevention work requires high levels of technology.
3. When it will be necessary to use a high degree of mechanical strength to carry out the landslide prevention work.
4. When the landslide prevention work extends beyond prefectural boundaries.

2. When enforcing the landslide prevention work stipulated in the foregoing Paragraph, the competent Minister shall exercise the authorities that are vested in the Prefectural Governor in accordance with the law.
3. When enforcing the landslide prevention work stipulated in Paragraph 1, the competent Minister must publicly announce this fact in accordance with the ordinances concerned.

(Work enforced by persons other than the competent Minister or the Prefectural Governor)

Article 11.

1. When those other than the competent Minister or the Prefectural

Governor plan to undertake landslide prevention work, they must first submit drawings and a working plan in relation to subject landslide prevention work to the Prefectural Governor for his approval.

2. The Government or the local autonomous bodies may disregard the stipulations in the previous Paragraph and may simply consult with the Prefectural Governor in relation to the drawings and working plans of the landslide prevention work.

3. In the approval granted in Paragraph 1, the Prefectural Governor may add conditions necessary to prevent landslides.

(Standards of construction)

Article 12.

1. The type, location, construction and scope of landslide prevention facilities, rerouting of flow, removal of landslide land masses and other work to prevent landslides must not only be effective but must also be of the proper type in accordance with the cause, structure and scope of the landslide within subject landslide-threatened area.

2. Landslide prevention facilities must be constructed in accordance with the following listed conditions.

   1.) Drainage facilities shall comply with the following conditions and shall be capable of swiftly removing surface and ground water, which will be the cause of landslides, from the landslide-threatened area.

(a) Open culverts, pipe culverts, closed culverts, water pipes and drainage pipes are used in relation to surface water.

(b) Closed culverts, boring drainage holes, drainage tunnels, water collection wells, ground water prevention walls, open culverts, pipe culverts and pipes are used to remove ground water.

2.) Retaining walls, pilings and soil retaining walls must be of safe construction in relation to the force of the slide.

3.) The dam, ground sill, revetment, training levee and spur dyke must be of a type suitable for the prevention of erosion particularly from the size and flow of the landslide.

(Undertaking the construction of common structures)

Article 13.

When the Prefectural Governor makes joint use of the sabo facilities prescribed in Article 1 of the Sabo law (Law No.29, 1897), facilities relating to prevention facility work as prescribed under Article 41, Paragraph 2 of the Forest Law (Law No. 249, 1951) and irrigation drainage facilities or other structures (hereafter generallly referred to as "other structures") as the landslide prevention facilities under his jurisdiction, he may direct the administrator of the structures in subject area to undertake the work in relation to landslide prevention facilities, or to maintain the landslide prevention facilities in subject area, by holding discussions with him.

(Undertaking of the work by the work originator)

Article 14.

1. The Prefectural Governor may entrust work other than the landslide prevention work (hereafter called "other work") or landslide prevention work which became necessary to undertake himself due to acts (hereafter called "other acts") which generated the necessity for the landslide prevention work to those carrying out the work at the site or to other parties.
2. Other work in the case of the previous Paragraph is river work (River Law (Law No. 167, 1964)) or is called river work of the applicable river, or may refer to the roads prescribed in the Road Law (Law 180, 1962). When work is required in relation to the foregoing, stipulations in Article 23, Paragraph 1 of the Road Law or Article 19 of the River Law will apply in relation to the landslide prevention work in subject area.

(Undertaking supplemmentary work)

Article 15.

1. The Prefectural Governor may undertake other work which has become necessary as a result of the landslide prevention work or other work necessary to carry out the landslide prevention work together with the landslide prevention work.
2. When "other work" is river work, road work or sabo work (refers to sabo work under the Sabo Law. Same hereafter) in the previous Paragraph, the provisions in Article 18 of the River Law, Article 22 Paragraph 1 of the Road Law or Article 8 of

the Sabo Law shall apply.

(Entering the area etc.)

Article 16.

1. The Prefectural Governor or his official or a person commissioned by the governor may enter the property of another person or may use the property of another person, which has no specific purpose, for storing supplies or for a working area to carry out surveys in relation to the landslide threatened area or when it is unavoidale due to the nature of the landslide prevention work.
2. As prescribed in the foregoing Paragraph, the stipulations in Paragraphs 2 to 11 of Article 6 shall apply when entering the property owned by another party or when making temporary use of subject property. In this case, the paragraphs marked "State" between Paragraphs 8 through 10 of the same Article are to be construed as "urban and rural prefectures under the jurisdiction of the Prefectural Governor".

(Compensation for losses incurred due to landslide prevention work)

Article 17.

1. Excluding the stipulations in Article 93, Paragraph 1, of the Land Usage Law, the urban or rural prefectures under the jurisdiction of the Prefectural Governor must compensate for all or a part of the expenses recognized as being unavoidable due to the construction of roads, railings and fences or new constructions, additional constructions or shifting of structures, or when

fillings or cuttings are carried out in the area adjacent to the landslide-threatened area by the Prefectural Governor when requested by those to whom this work is necessary (hereafter called "lossee" under these conditions).

In cases of this nature, the urban and rural prefectures under the jurisdiction of the Prefectural Governor, or those suffering theloss, may request that the Prefectural Governor undertake subject work in lieu of all or part of the compensation.

2. Compensations prescribed in the previous Paragraph may not be requested after the elapse of one year from the time of completion of the landslide prevention work in subject area.

3. Discussions must be held between the urban or rural prefectures under the jurisdiction of the Prefectural Governor and those suffering the loss in relation to the compensations stipulated in Paragraph 1.

4. When agreement cannot be reached in the discussions prescribed in the above paragraph, the urban and rural prefectures under the jurisdiction of the Prefectural Governor concerned, or the lossee, may apply to the expropriation committee for a ruling under Article 94 of the Land Expropriation Act as prescribed by government ordinances.

(Limitation of actions)

Article 18.

Those carrying out actions within the landslide-threatened area that corresponds to any one of the following must first

obtain the approval of the Prefectural Governor.

1. Actions that will induce or stagnate ground water and cause it to increase or actions that will obstruct the functions of ground water drainage systems or obstruct the discharge of ground water (excluding insignificant actions as prescribed under government ordinances).
2. Actions that will induce penetration of surface water such as discharging or accumulating surface water. (excluding insignificant actions as prescribed under government ordinances).
3. Sloping or cutting that are controlled by government ordinances.
4. New constructions or renovations of facilities and structures other than irrigation ponds, irrigation canals and other landslide prevention facilities as prescribed by government ordinances. (hereafter referred to as "other" facilities).
5. Actions other than those previously mentioned which are prescribed by government ordinances as obstruction the prevention of landslides and inducing or accelerating landslides.

2. When an application for approval has been received under the previous Paragraph, the Prefectural Governor shall not grant this approval if the actions in the application are considered to greatly obstruct prevention of landslides, or to greatly accelerate landslides.
3. The Prefectural Governor may add conditions necessary to the prevention of landslides when granting approval in Paragrapg 1.

(Interim Measures)

Article 19.

When designating the landslide-threatened area under Article 3, those who have aleady constructed other facilities in subject landslide-threatened area (including those still under construction), based on their title to the land, shall be considered to have received approval under Paragraph 1 of the previous Article with the same conditions as before in relation to the installation of these facilities.

This will also apply to those undertaking other acts under Items 1 to 3 and Item 5 of Paragraph 1 of the previous Article within the designated boundaries of the landslide-threatened area as prescribed in Article 3.

(Example of Special Approval)

Article 20.

1. Those who have obtained approval under Paragraph 2 of Article 34 of the Forest Law (including cases where Article 44 of the same law is applied) or Article 4 of the Sabo Law (including cases where Article 3 of the same law is applied) are not required to obtain approval under Paragraph 1 of Article 18.
2. When the State or local autonomous bodies undertake acts prescribed in Paragraph 1 of Article 18, it will only be necessary to consult with the Prefectural Governor.

Article 21.

1. To those who fall under any one of the following categories,

the Prefectural Governor is empowered to cancel the approval or alter the conditions, stop operations, order the improvement, moving or removal of the facility, order the installation of facilities necessary to prevent landslides from being generated due to other facilities, or order restoration to its original state.

1. Those violating the stipulations in Paragraph 1 of Article 18.
2. Those violating the supplementary conditions added for approval under Paragraph 1 of Article 18.
3. Those obtaining approval under Paragraph 1 of Article 18 under pretense and other false means.

2. For those who have received approval under Paragraph 1 of Article 18, and who falls under one of the following categories, the Prefectural Governor is empowered to take punitive measures prescribed in the previous Paragraph or can order the necessary measures be taken in the same Paragraph.
   1. When unavoidable necessity arises due to the landslide prevention work.
   2. When serious trouble arises in the prevention of landslides.
   3. When unavoidable necessity arises due to public interests based on reasons other than those for the prevention of landslides.
3. The urban and rural prefectures under the jurisdiction of the Prefectural Governor shall compensate the lossee for any losses

that will normally be incurred as a result of the dispositions or orders under the previous Paragraph.

4. The provisions in Paragraphs 9 and 10 of Article 6 shall be applied in relation to the compensations in the previous Paragraph. In this instance, the term "state" in Paragraphs 9 and 10 of this Article is to be read "urban and rural prefectures under the jurisdiction of the Prefectural Governor".

5. When the loss that was the cause for the compensation stipulated in Paragraph 3 is due to the disposition or order stipulated in Item 3 of Paragraph 2, the urban and rural prefectures under the jurisdiction of the Prefectural Governor can have those responsible bear subject amount of compensation.

(Supervision of landslide prevention facilities under the administration of those other than the Prefectural Governor)

Article 22

1. When the Prefectural Governor recognizes the necessity, he may request the supervisor, other than the Prefectural Governor, of the landslide prevention facilities to submit data or reports or have the official enter subject landslide prevention facilities and inspect these facilities to properly carry out the work.

2. Those entering the area for inspection purposes as prescribed in the previous Paragraph must carry an identification card which must be shown upon demand from those concerned.

3. The authority to inspect as prescribed in Paragraph 1 shall

not be interpreted to mean the authority to carry out criminal investigations.

4. The form and necessary data for the identification card prescribed in Paragraph 2 shall be as prescribed by government ordinance.

Article 23

1. When the landslide prevention facilities under the administration of those other than the Prefectural Governor falls into one of the following categories, the Prefectural Governor may order the administrator to improve, repair or carry out other measures necessary for the control of the facilities if they do not conform with the provisions in Article 12.
   1. When construction is carried out in violation of the provisions in Paragraph 1 of Article 11.
   2. When construction is carried out in violation of the supplementary conditions added for approval under Paragraph 1 of Article 11.
   3. When construction is carried out under approval in Paragraph 1 and Article 11 which was received under false pretenses.
2. When the landslide prevention facilities under the administration of those other than the Prefectural Governor does not fall into any of the above categories but does not conform to the provisions in Article 12, or when serious trouble is recognized in the prevention of landslides, the Prefectural Governor may

order the supervisor to initiate the measures prescribed in the previous Paragraph.

3. The urban and rural prefectures under the jurisdiction of the Prefectural Governor must compensate those suffering losses due to the commands in the previous Paragraph for losses that should normally arise as a result.

4. The provisions in Paragraphs 9 and 10 of Article 6 shall be applied to the compensations in the foregoing Paragraph. In this instance, the term "state" in Paragraphs 9 and 10 of this Article shall be read as "urban and rural prefectures under the jurisdiction of the Prefectural Governor".

5. The provisions in Paragraph 3 above shall not be applied in relation to landslide prevention facilities under the supervision of the State or local autonomous bodies.

(Related Plans)

Article 24

1. When the Prefectural Governor recognizes the necessity to reduce or eliminate the damages from landslides, he may consider a basic landslide prevention work plan and prepare a general plan (hereafter called "related plan") including the items listed below and submit this to the heads of the cities and towns of the landslide-threatened areas with the advice that they draw up a related work plan.

   1. In relation to moving or removing buildings and other facilities or structures, or the construction of buildings and

other facilities or structures to replace those that have been moved or removed.

2. In relation to preservation and upkeep of farmland.

3. In relation to maintenance of farm roads, irrigation and drainage facilities or ponds.

4. Items that are directly related to those listed in Item 3 above which are especially necessary outside the landslide-threatened area.

2. When preparing the related work plan in response to the advice in the previous Paragraph, the heads of the cities and towns must consult and obtain the opinions of those concerned or the groups they form in relation to the items in subject plan. The same procedures must be taken when attempting to make any changes.

3. Upon preparation of the related work plan as prescribed in the foregoing Paragraph, the heads of the cities and towns must obtain the approval of the Prefectural Governor. The same will apply when attempting to make changes.

4. When approval of the related work plan has been obtained as prescribed in the above Paragraph, the heads of the cities and towns must publicly announce the contents of the plan in accordance with the government ordinances concerned.

(Evacuation Instructions)

Article 25

When it is considered that great danger is impending from

landslides, the Prefectural Governor or his official can instruct the inhabitants in the areas concerned to evacuate for the purpose of refuge. In this instance, the Prefectural Governor or his official must immediately notify the chief of police under whose jurisdiction this area falls.

(Landslide-threatened Area Register)

Article 26.

1. The Prefectural Governor must maintain the landslide-threatened area register up-to-date and will also be responsible for the storage of this register.
2. When permission is requested to inspect the landslide-threatened area register, the Prefectural Governor may not refuse without proper reasons.
3. Data to be entered and all necessary items in relation to adjustment and storage of the landslide-threatened area register are determined by government ordinances.

Chapter 3. Expenses in Relation to the Landslide-Threatened Area

(Fundamental rules for the defrayment of expenses in relation to administration of the landslide-threatened area)

Article 27.

All expenses incurred in the administration of the landslide-threatened area such as in undertaking landslide prevention work and in installation of signs shall be borne by the urban and rural prefectures under the jurisdiction of the Prefectural Governor

administering subject landslide-threatened area (excluding cases where special provisions exist in this or other laws).

(Defrayment of expenses incurred in work under direct control of the competent Minister)

Article 28.

1. In the landslide prevention work undertaken by the competent Minister under the provisions in Paragraph 1 of Article 10, expenses required for work undertaken in torrents (including immediate downstream flow in mountainous regions) and work undertaken to prevent the discharge of sand into the torrent shall be defrayed in the ratio of 2/3 by the State and 1/3 by the urban and rural prefectures.
2. Expenses incurred in landslide prevention work undertaken by the competent Minister under the provisions of Paragraph 1 of Article 10 which are not included in the provisions of the foregoing Paragraph shall be defrayed on an equal basis by the State and the urban and rural prefectures.
3. when another prefecture benefits greatly from the landslide prevention work in subject area in the foregoing 2 Paragraphs, the competent Minister can, as provided by law, allocate a portion of the expenses to be defrayed by the prefectures under the jurisdiction of the Prefectural Governor administering subject landslide-threatened area to the other prefecture that is receiving great benefits from the work and depending on the degree of benefits received.

4. When allocating a portion of the expenses to the other prefecture receiving great benefits as prescribed in the foregoing Paragraph, the competent Minister must first obtain the opinion of the prefecture concerned.

(Partial defrayment of expenses incurred in landslide prevention work undertaken by the Prefectural Governor)

Article 29.

1. Within the provisions of the law, the State will defray 2/3 of the expenses incurred in the landslide prevention work undertaken by the Prefectural Governor in torrents and in preventing discharge of sand directly into the current during the operation.
2. Within the framework of the law, the State will defray 1/2 of the expenses required for landslide prevention work undertaken by the Prefectural Governor which is not included in the provisions of the foregoing Paragraph.

(Allotted share of expenses for the benefitting prefectures)

Article 30

When another prefecture receives great benefits from landslide prevention work undertaken by the Prefectural Governor, subject prefectural Governor may, as prescribed by law, confer with the Governor of the other prefecture and, depending on the degree of benefit realized by subject prefecture, can allocate a portion of the expenses borne by the prefecture under the

jurisdiction of the Prefectural Governor to the benefitting prefecture.

(Allotted share of expenses for municipalities)

Article 31

1. According to the provisions in Article 4, that portion of the expenses borne by the prefecture for landslide prevention work or for the maintenance of landslide prevention facilities can be allocated to the municipalities in cases where the prefecture is benefitted with these municipalities and in accordance with the benefits realized by this construction and maintenance work.
2. According to the provisions in this Paragraph, the expenses in the foregoing Paragraph to be defrayed by the cities and towns must be determined through a resolution of the assembly of subject urban and rural prefectures after obtaining the opinions of the municipalities.

(Payment of allotted shares)

Article 32

In landslide prevention work undertaken by the competent Minister, the work is initially carried out at 100% national expense. The urban and rural prefectures under the jurisdiction of the Prefectural Governor administering the landslide-threatened area or the other prefectures that should bear a share of the expenses must then pay their share to the National Treasury

in accordance with government ordinances as provided under Paragraph 1 or 2 of Article 28.

(Expenses for combined use of structures)

Article 33.

When the landslide prevention facilities under the control of the Prefectural Governor is used in combination with other structures, allocation of the expenses required for the administration of subject landslide facilities shall be determined by discussions held between subject Prefectural Governor and the administrator of the other structures.

(Originator's share)

Article 34

1. Expenses for landslide prevention work which became necessary for the Prefectural Governor himself to undertake due to other work or other acts shall be borne in part or in whole by those bearing the expenses in relation to other work and other acts.

2. When other work in the foregoing Paragraph is in relation to river work or road work, the provisions in Article 68 of the River Law and Paragraph 1 and 3 of Article 59 of the Road Traffic Act shall be applied in relation to the expenses in subject landslide prevention work.

(Expenses required for supplementary work)

Article 35

1. Other work necessitated by the landslide prevention work undertaken by the Prefectural Governor or the expenses required

for the other work necessitated by undertaking this landslide prevention work shall be borne in whole or in part by the urban and rural prefectures under the jurisdiction of subject Prefectural Governor in accordance with the degree of necessity (excluding cases where there are special supplementary conditions in the approval granted in Paragraph 1 of Article 18 and when consultations are held as in Paragraph 2 of Article 20.

2. When "other work" in the foregoing Paragraph is in relation to river work or road work, the provisions in Article 67 of the River Law, Paragraph 1 of Article 58 of the Road Traffic Act or Article 16 of the Sabo Law shall be applied in relation to the expenses required for this work.

3. In cases where the landslide prevention work was necessitated due to other work or other acts, the Prefectural Governor can have all or part of the expenses required for the other work in the same Paragraph be borne by those bearing the expenses for the work that was the root cause of the landslide prevention work in the order of necessity.

(Beneficiary's Share)

Article 36

1. When there are those that will benefit greatly from the landslide prevention work, the Prefectural Governor is empowered to have subject people bear a portion of the expenses required in subject work in accordance with the degree of benefits realized.

2. The range of people from whom the allotted share must be collected and the method of collection in the foregoing Paragraph shall be defined in the regulations of the urban and rural prefectures under the jurisdiction of subject Prefectural Governor.

(Method of notification and payment of the allotted share)

Article 37

All necessary facts in relation to the allotted share prescribed in Article 3 such as the method of notification of the amount, the method of payment etc. are determined by government ordinances.

(Compulsory Collections)

Article 38

1. When there are those who refuse to pay the burden share based on the provisions in Article 33, Paragraph 1 of Article 34, Paragraph 3 of Article 35 and Paragraph 1 of Article 36 (to be called simply "burden share" hereafter), the Prefectural Governor must demand payment by sending a reminder indicating the payment deadline.
2. In the foregoing case, the Prefectural Governor is empowered to collect arrearage in accordance with pertinent government ordinances. However, the amount of arrears shall not exceed the range of 0.04% per day.
3. When the person receiving the reminder indicating the payment deadline as prescribed in Paragraph 1 fails to make the required payment, the Prefectural Governor is empowered to collect the burden share prescribed in Paragraph 2 together with the arrears

as an example of the disposition of national taxes in arrears. In this instance, the order of priority in collecting the burden share and the arrears shall follow the national and local taxes.

4. Arrears shall be paid in advance of the burden share.

5. The right to collect burden shares and arrears shall expire due to the statute of limitations if not made over a 5 year period.

(Reversion of income)

Article 39

The burden share and the arrears in Paragraph 2 of the foregoing Article shall revert to the urban and rural prefectures under the jurisdiction of the Prefectural Governor.

(Expenses required in the performance of duties)

Article 40.

Excluding instances where there are special stipulations in this law, the expenses required in the performance of the duties under this law, or dispositions under this law, shall be borne by the obligor.

Chapter 4. Administration in Relation to Dump Collapse Prevention Areas

(Administration of dump collapse prevention areas)

Article 41

Undertaking of dump collapse prevention work and other administrative work in relation to the dump collapse prevention

area shall be carried out by the Prefectural Governor with jurisdiction over the urban and rural prefectures in which the dump collapse prevention area exists.

(Limitation of acts)

Article 42

Those attempting to carry out acts corresponding to one of the following items within the dump collapse prevention area must secure the approval of the Prefectural Governor.

1. Felling of trees (excluding light acts as prescribed by government ordinances such as thinning and selective cutting) or digging of stumps.
2. Carrying out logs by sliding or dragging.
3. Sloping or cutting.
4. Collection or accumulation of earth and stone.
5. Acts that will hinder the prevention of dump collapse or will accelerate or induce the collapse of the dump when digging or excavating coal or other minerals.
6. Acts other than those in the foregoing that will hinder the prevention of dump collapse or that will accelerate or induce the collapse of the dump as prescribed by government ordinances.

2. The provisions in Paragraphs 2 and 3 of Article 18 shall apply when approving the foregoing acts. In this instance, "landslide" in Paragraph 2 and 3 of this Article shall be read as "dump collapse".

(Interim Measures)

Article 43.

When designating the dump collapse prevention area under the provisions of Article 4, Those who are already undertaking acts prescribed under one of the items in Paragraph 1 of the previous Article based on their rights within the dump collapse prevention area shall be considered to have received approval under Paragraph 1 of this Article in relation to this act under the same conditions.

(Basic rule of defraying expenses required in the administration of the dump collapse prevention area)

Article 44

Expenses required for carrying out dump collapse prevention work and for administration of the dump collapse prevention area shall be borne by the urban and rural prefectures under the jurisdiction of the Prefectural Governor administering subject dump collapse prevention area excepting cases when there are special stipulations in this law or other laws.

(Application provisions)

Article 45

1. The provisions in Article 8, Articles 13 to 17, Article 20, Article 21, Article 26, Articles 29 to 31 and Articles 33 to 40 shall be applied in relation to the expenses and administration of the dump collapse prevention area. In this case, the phrase "landslide prevention area prescribed in Paragraph 3

of Article 3" in Article 8 shall be read as "dump collapse prevention area prescribed in Paragraph 3 of Article 3 applied in Paragraph 2 of Article 4" and "within other landslide prevention areas" to read "within the dump collapse prevention area". "Landslide prevention area" in Paragraph 1 of Article 16 to read "dump collapse prevention area" and "landslide prevention work" to read "dump collapse prevention work". "Paragraph 2, Article 34 of the Forest Act (including application of Article 44 of the same law)" in Article 20 to read "Paragraph 1 or 2, Article 34 of the Forest Act (including cases when these stipulations are applied in Article 44 of the same law)" and "Paragraph 1, Article 18" to read "Paragraph 1, Article 42". "Paragraph 1, Article 18" in Paragraphs 1 and 2 of Article 21 and Paragraph 1 of Article 35 to read "Paragraph 1, Article 42".

2. In addition to the stipulations in the latter stage of the foregoing Paragraph, all technical substitutions in relation to the application of these paragraphs shall be determined by government ordinances.

Chapter 5. Miscellaneous Regulations

(Aid to those undertaking work based on related business plans)

Article 46

When the urban and rural prefectures subsidizes the cities, towns and villages or others prescribed by government ordinances for expenses required in undertaking work listed in Items 2 to

4 of Paragraph 1, Article 24 (excluding items corresponding to Item 1 of the same Paragraph), the State may subsidize the urban and rural prefectures for up to one half of the expenses required in subject work within the scope of the budget and as provided by law.

(Loans from the Housing Loan Corporation for moving houses)

Article 47

As stipulated in Paragraph 3 of Article 24, when moving or removing a house having living quarters based on related business plans approved by the Prefectural Governor, if the person owns the house at time of moving, or if leased, or if he desires to reside in subject house, or to lease same to another party; and moves subject house, or plans to construct a house to replace the one removed, or when procuring land or lease rights to land for construction of the replacement house, he may apply to the Housing Loan Corporation for loans as provided under the Housing Loan Corporation Law (Law 156 of 1950) for moving subject house, construction of a replacement house, or for the procurement of land or lease rights to land required when moving or constructing a replacement house.

(Consultations with fishing port and harbor masters)

Article 48

When the competent Minister or the Prefectural Governor wishes to undertake landslide prevention work within the fishing port

area (excluding the water area) prescribed in Article 2 of the Fishing Port Law (Law 137 of 1950), they must first consult with the chief of the fishing port administrators.

2. When the competent Minister or Prefectural Governor wishes to undertake landslide prevention work (excluding those corresponding to the acts prescribed in each item of the same Paragraph) within the adjacent areas to the harbor as prescribed in Paragraph 1, Article 37 of the Harbor Law (Law 280 of 1950), they must first hold consultations with the harbor master.

(Collection of reports)

Article 49

The competent Minister can request the submission of reports or data from the Prefectural Governor if he recognizes the necessity to do so to carry out the law.

(Application for Arbitration)

Article 50

1. Those dissatisfied with the disposition listed below may apply to the Land Adjustment Committee for arbitration if the reason for their dissatisfaction is in relation to adjustments with the mining, quarrying or gravel industry. In this instance, appeals cannot be made under the Complaints against Administrative Acts Inquiries Act (Law 160, 1962).

   1. Approval under the provisions of Paragraph 1, Article 11.

2. Work execution order as prescribed in Paragraph 1 of Article 14 (Including instances when applied in Paragraph 1, Article 14).
3. Permission provided in Paragraph 1 of Article 18.
4. Disposition as stipulated in Paragraphs 1 and 2 of Article 21 (Including instances when applied in Paragraph 1 of Article 45) or orders for the implementation of necessary measures under these stipulations.
5. Orders for the necessary measures as prescribed in Paragraphs 1 or 2 of Article 23.

2. The stipulations in Article 18 of the Complaints against Administration Acts Inquiries Act are applied when the Office of Dispositions informs the applicant erroneously that an application for review or a formal objection can be made on any of the dispositions in the foregoing Paragraph.

(The competent Minister)

Article 51

1. The competent Ministers for the designation and administration of landslide-threatened areas and dump collapse prevention areas are as follows.
   1. The Minister of Construction for landslide areas and dumps located in land (including land corresponding to this land) designated under the provisions of Article 2 of the Sabo Law.

2. The Minister of Agriculture and Forestry for landslide areas and dumps located in forest reserves (including forests corresponding to these reserves) designated under the provisions of Paragraph 1, Article 25 of the Forestry Act or preservation facilities area (forests, plains and other corresponding land included) designated in the provisions under Article 41 of the same law.

3. Of the landslide area and dumps that do not correspond to those in the above 2 items,

   a. The Minister of Agriculture and Forestry for areas in which land improvement work is being executed as prescribed under Paragraph 2, Article 2 of the Land Improvement Law (Law 195, 1949); or landslide areas and dumps located in areas (including corresponding areas) determined as areas for implementing land improvement projects as prescribed under this same law.

   b. The Minister of Construction for landslide areas and dumps that do not correspond to (a).

2. Designation of the landslide-threatened area or the dump collapse prevention area shall be carried out under mutual discussion of the competent Ministers concerned.

Chapter 6. Punitive Provisions

(Punitive Provisions)

Article 52

Those violating the stipulations in Paragraph 1 of Article 18

or Paragraph 1 of Article 42 shall be subjected to imprisonment of not more than one year or a fine of up to 100,000 yen.

Article 53

Those corresponding to any one of the following shall be subjected to imprisonment of not more than 6 months or a fine of up to 50,000 yen.

1. Those who refuse or obstruct entrance into and temporary usage of the land in violation of the stipulations in Paragraph 7 of Article 6 (including applications in Paragraph 2 of Article 16 or Paragraph 1 of Article 45).
2. Those who fail to submit reports and data as prescribed in Paragraph 1 of Article 22 or those who submit false reports or data.
3. Those who refuse, obstruct or evade site inspection as prescribed in Paragraph 1 of Article 22.

Article 54

Those who move, damage or destroy signs installed in accordance with stipulations in Article 8 (including instances when applied in Paragraph 1 of Article 45) shall be subjected to a fine of not more than 10,000 yen.

(Dual punitive provision)

Article 55

If the representative of a juridical person or the agent, employee or worker of the juridical person or a person carries

out an offense in Article 52 or Article 53 in relation to the business of the juridical person or the person, in addition to punishing the offender, the juridical person or the person shall also be subjected to the punishments in each Article.

Supplementary Provisions (deleted)

(Date of enforcement)

Article 1

This law shall be enforced from April 1, 1958.

(Interim regulations)

Article 2

When the competent Minister prescribed in Paragraph 1 of Article 51 differs from the competent Minister already in charge of the landslide prevention work at time of enforcement of this law, the competent Minister currently administering subject work shall be considered the competent Minister for subject area until the work is completed regardless of the stipulations in this Paragraph.

(Special example of burden sharing)

Article 3

1. In relation to the application of the provisions in Article 28 during 1958, "2/3" in Paragraph 1 of this Article would read "3/4" and "1/3" would read "1/4", and "the State and the urban and rural prefectures would bear 1/2 of each" in Paragraph 2 of the same Article would read "the State will bear

2/3 and the urban and rural prefectures 1/3". This will also apply to the amount of expenses from the budget of the current fiscal year that is carried over to the following year.

2. In relation to the application of the provisions in Article 29 (including cases where applied in Paragraph 1 of Article 45) to 1958, the "2/3" in Paragraph 1 of this Article would be "3/4" and "1/2" in Paragraph 2 of this Article would be "2/3". This will also apply to the amount of expenses from the budget of the current fiscal year that is carried over to the following year.

Article 4

1. When the State is already undertaking work under Paragraph 1 of Article 41 of the Forestry Act at the time this law is enforced and the competent Minister himself is undertaking the landslide prevention work prescribed in Paragraph 2 of Article 28 following the enforcement of this law, the expenses involved shall be defrayed on the basis of 2/3 for the State and 1/3 for the urban and rural prefectures regardless of the provisions in this Paragraph.

2. When the provisions in the foregoing Paragraph are applied to fiscal 1958, "2/3" in this Paragraph would read "3/4" and "1/3" would read "1/4". This will also apply to the amount of expenses from the budget of the current fiscal year that is carried over to the following year.

Article 4. 2

In relation to that portion of the expenses required for landslide prevention work which will be defrayed from the special account of the National Forestry Service or from Flood Control special account, the provisions in relation to that portion of Article 32 of using national funds only for the work shall not apply.

Supplementary Provisions (Law 39 of March 31, 1960) (Deleted)

1. This law shall be enforced from the date of its promulgation.

Supplementary Provisions (Law 40 of March 31, 1960) Deleted)

1. This law shall be enforced from the date of its promulgation and will be applied from the fiscal 1960 budget.

Supplementary Provisions (Law 68 of April 4, 1962) (Deleted)

(Date of enforcement)

Article 1.

This law shall be reckoned from the date of promulgation and shall be enforced from a date determined by ordinance (July 2, 1962) within a period not exceeding 90 days from the date of promulgation.

Supplementary Provisions (Law 161, 15 Sept. 1962) (Deleted)

1. This law shall be enforced from October 1, 1962.

Supplementary Provisions (Law 99, June 8, 1963) (Deleted)

(Date of enforcement and application classification)

Article 1 (Abbreviated)

(Note) Shall be enforced from April 1, 1964 in accordance with the provisions in Article 1 of Supplementary Law No. 99 of 1963.

Supplementary Provisions (Law 168, July 10, 1964)

This law shall be enforced from the date (April 1, 1965) that the new law is enforced. (Provisory clauses deleted)

O R G A N I Z A T I O N

O F

T H E G O V E R N M E N T O F J A P A N

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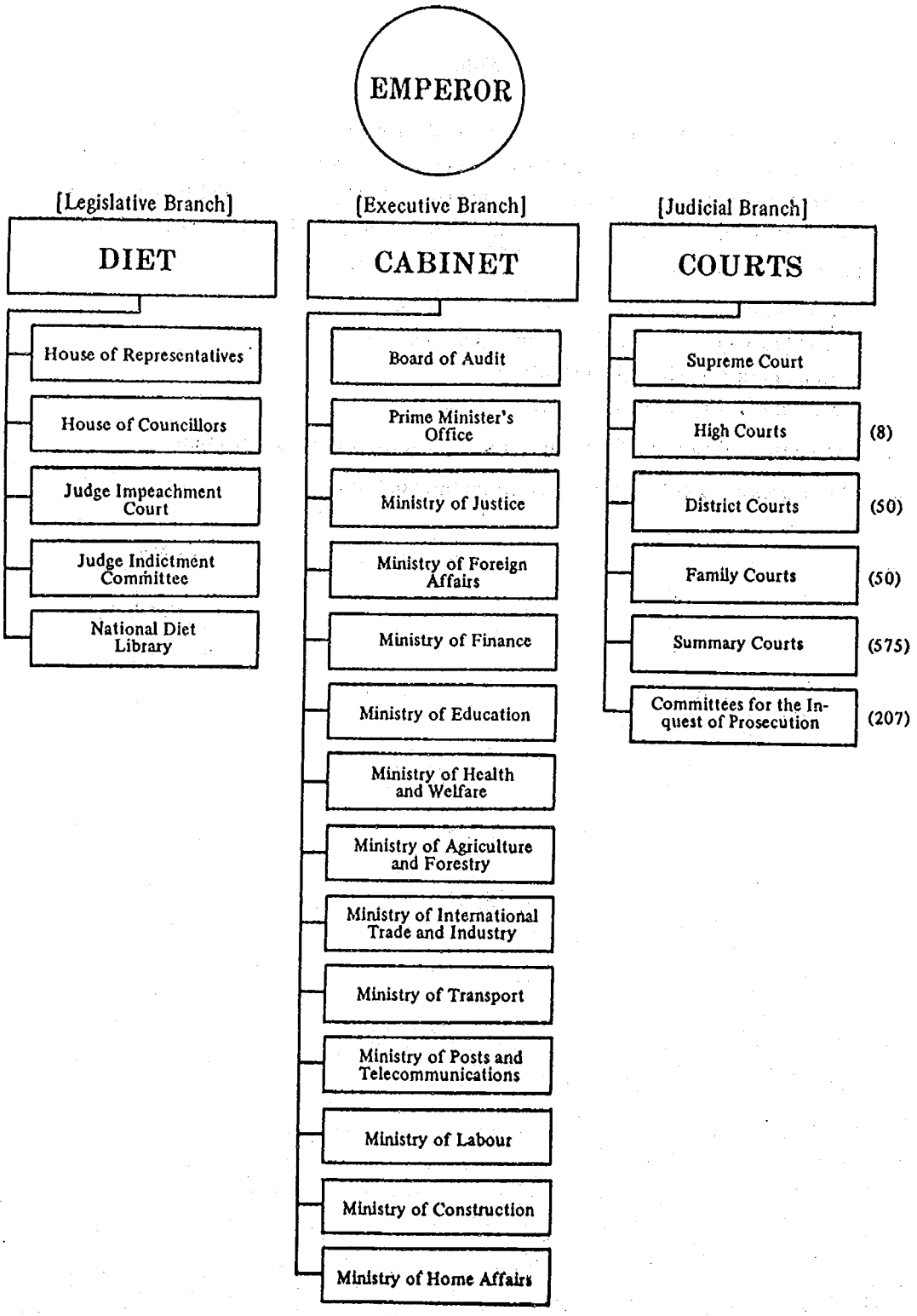
Administrative Management Agency

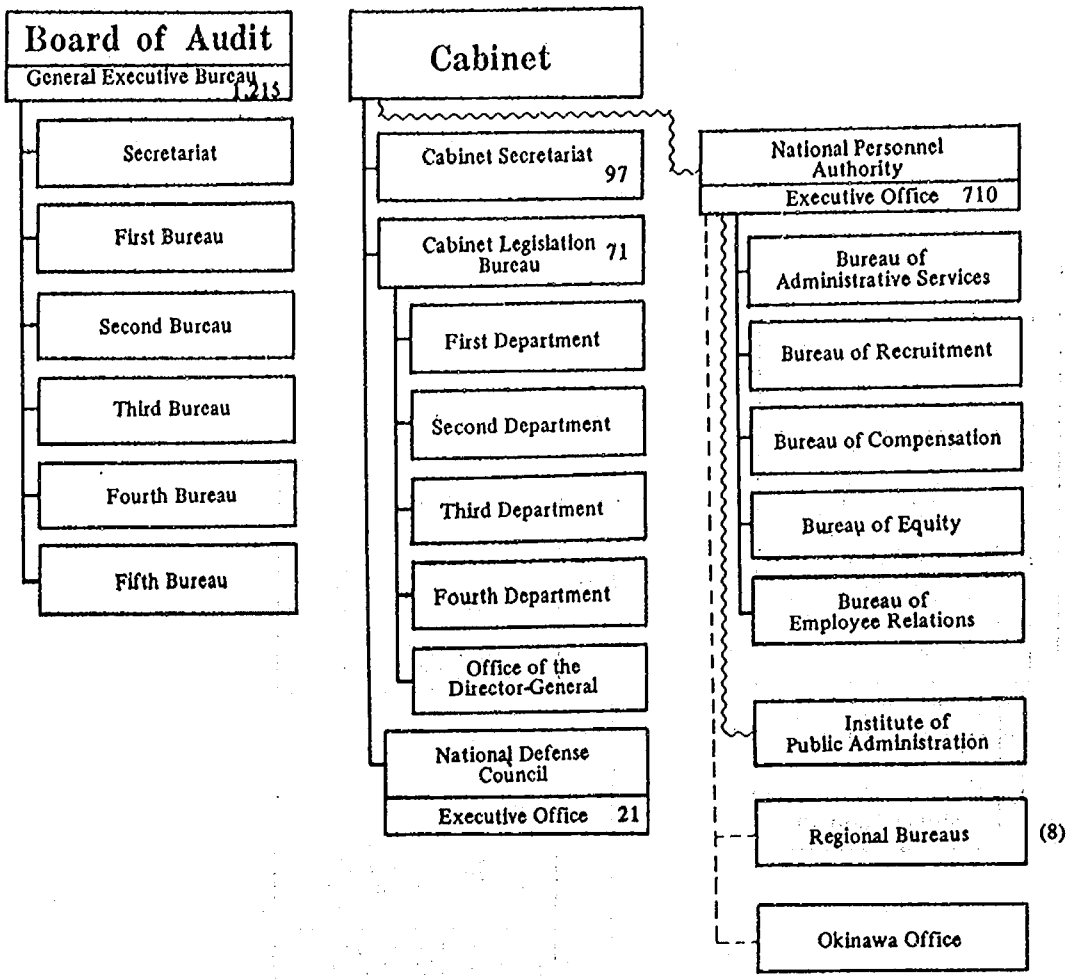
I. ORGANIZATION CHARTS

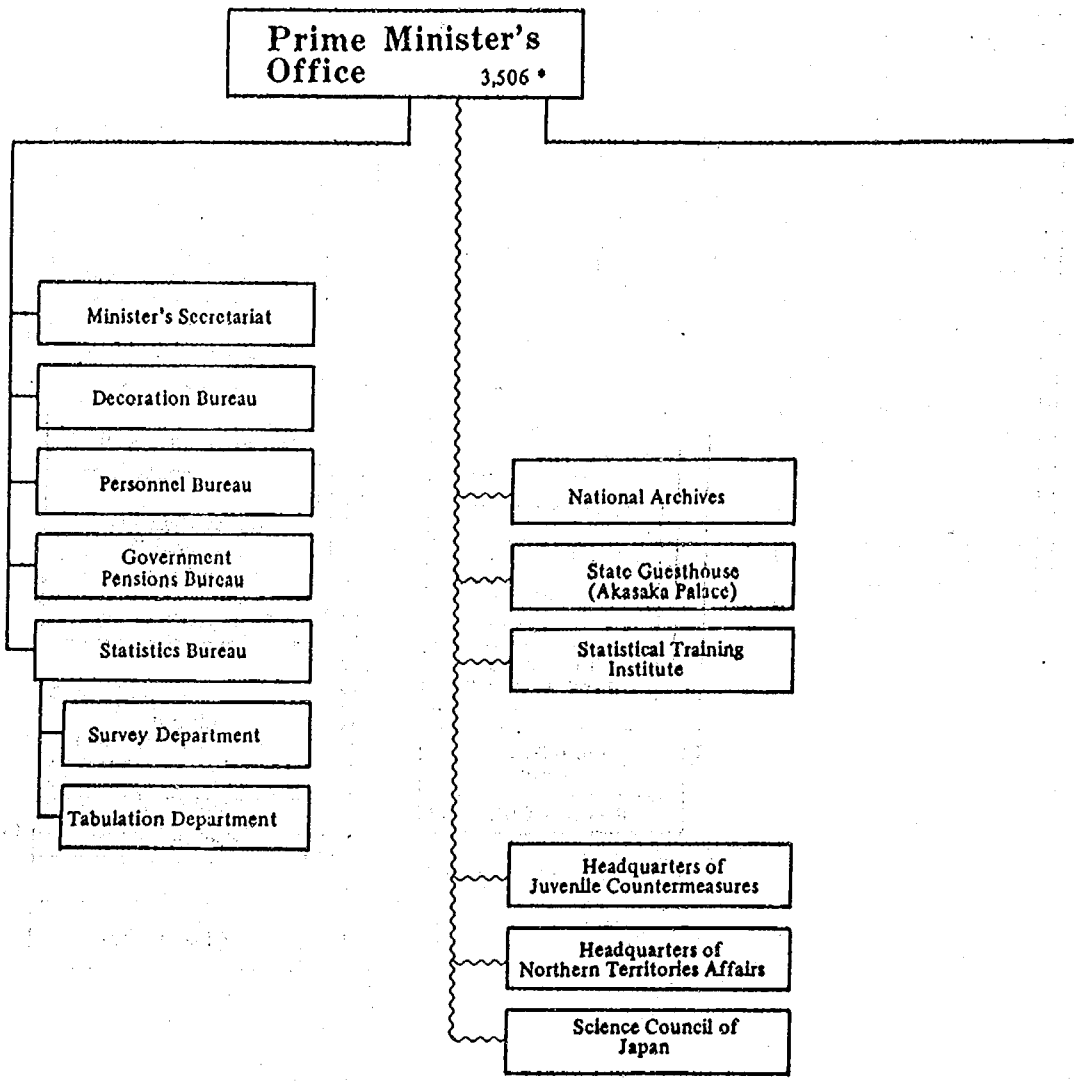
Notes

1. Only the major units of each organization (ministry, commission or agency) are shown; divisions of bureaus and departments, and local branch offices at lower levels are omitted. (The names of such divisions appear in V "Organization and Functions of the Executive Branch".) The councils and other consultative bodies of each organization are also omitted. They are listed in III "List of Councils"
2. The lines indicate the relationship between units.
   solid line (—) internal divisions and external organs
   broken line (-----) local branch offices
   wavy line (∼∼) auxiliary organs
3. The figures indicate the fixed number of personnel of each organization.
4. The figures in parentheses indicate the number of units.

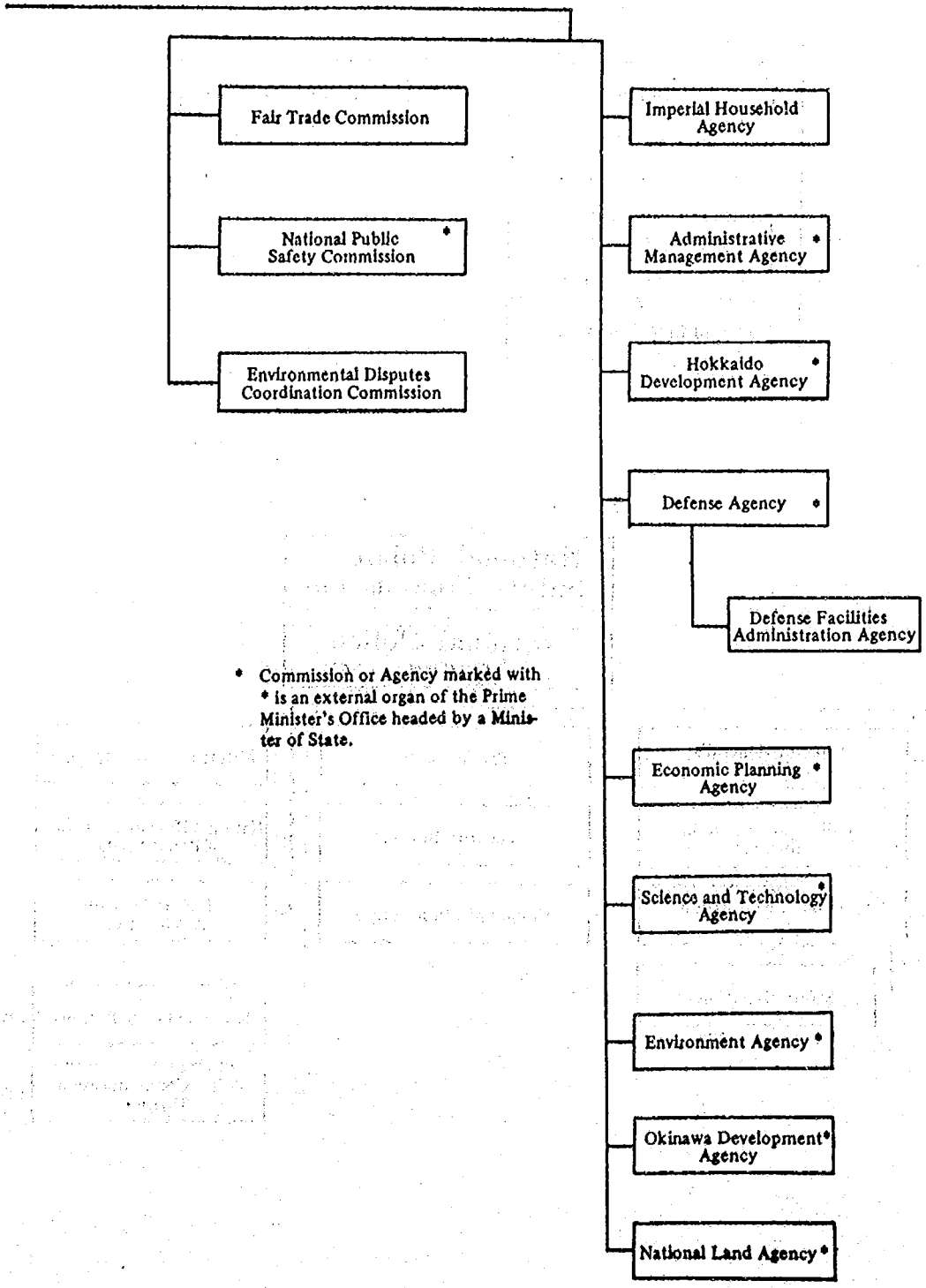
GOVERNMENT OF JAPAN



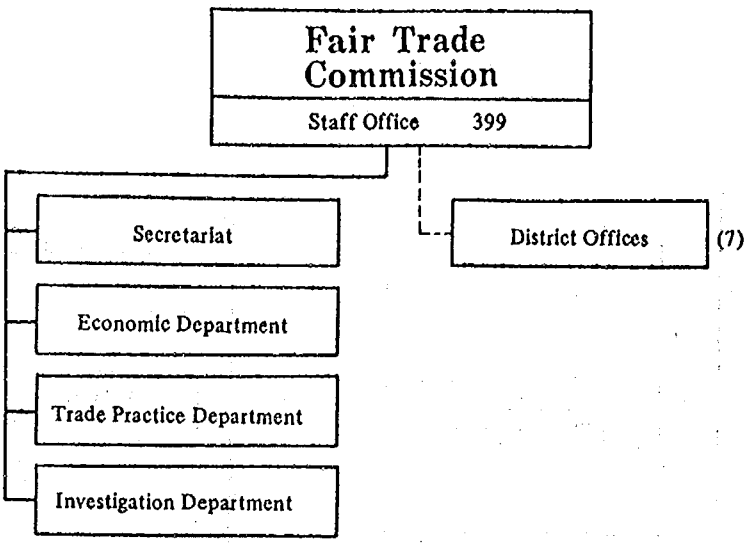

Board of Audit
General Executive Bureau 215
Secretariat
First Bureau
Second Bureau
Third Bureau
Fourth Bureau
Fifth Bureau
Cabinet
Cabinet Secretariat 97
Cabinet Legislation Bureau 71
First Department
Second Department
Third Department
Fourth Department
Office of the Director-General
National Defense Council
Executive Office 21
National Personnel Authority
Executive Office 710
Bureau of Administrative Services
Bureau of Recruitment
Bureau of Compensation
Bureau of Equity
Bureau of Employee Relations
Institute of Public Administration
Regional Bureaus (8)
Okinawa Office

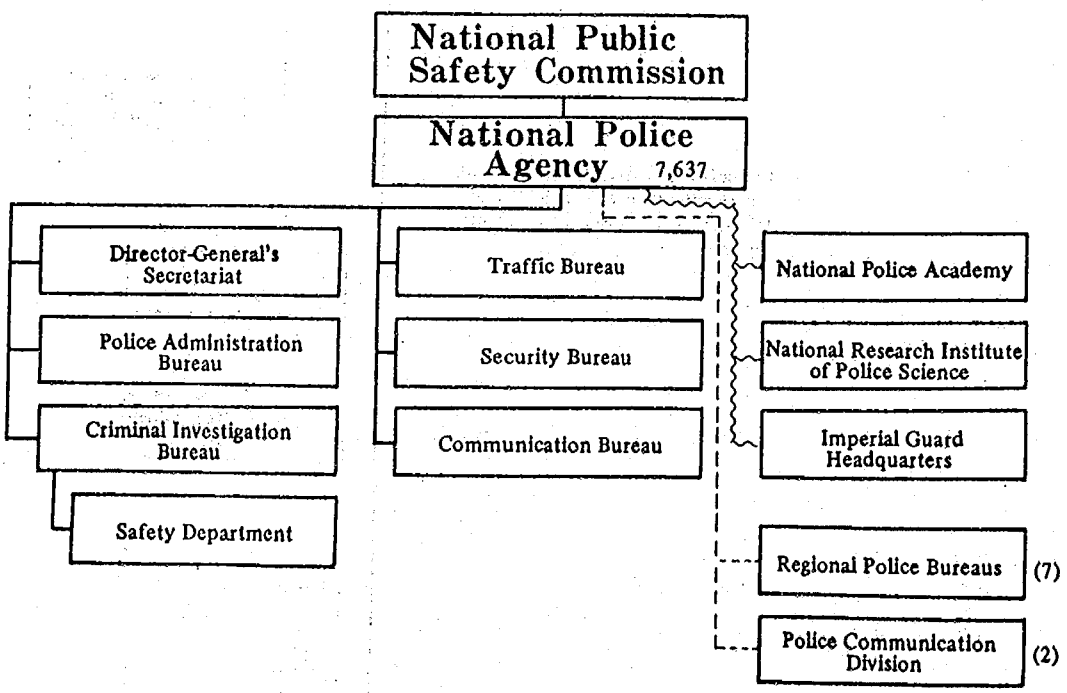


* Number of personnel of the Office proper.

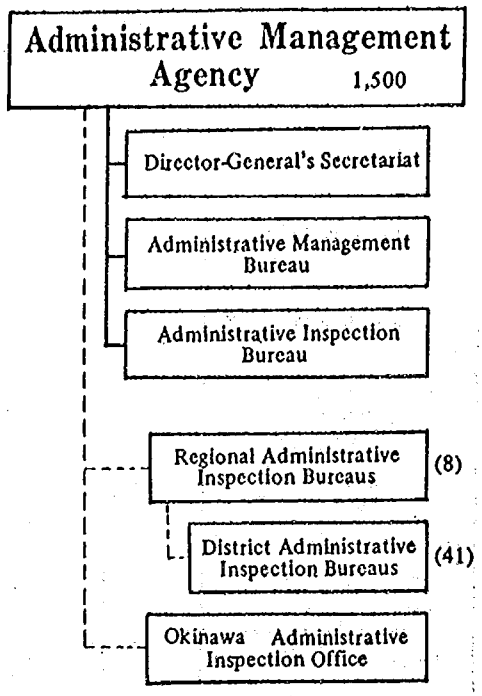


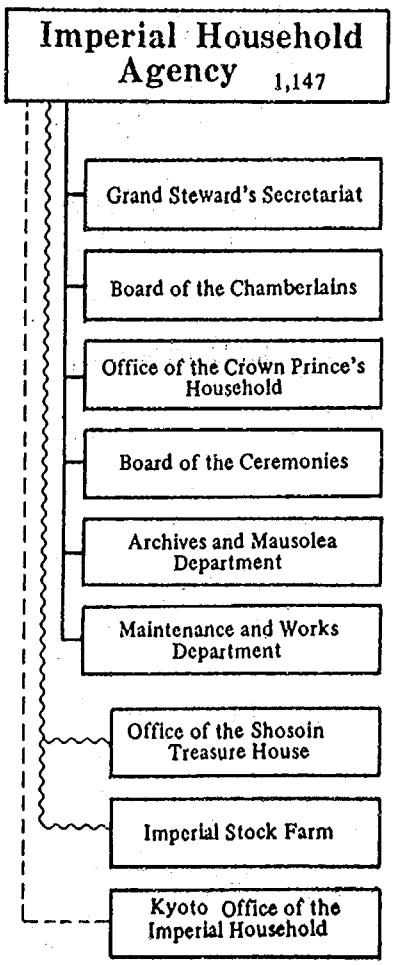
* Commission or Agency marked with * is an external organ of the Prime Minister's Office headed by a Minister of State.

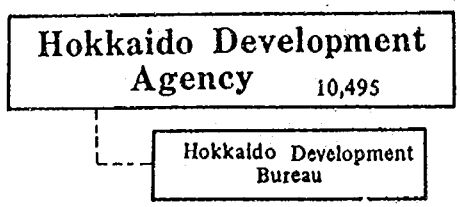

Fair Trade Commission
Staff Office 399
Secretariat
Economic Department
Trade Practice Department
Investigation Department
District Offices (7)

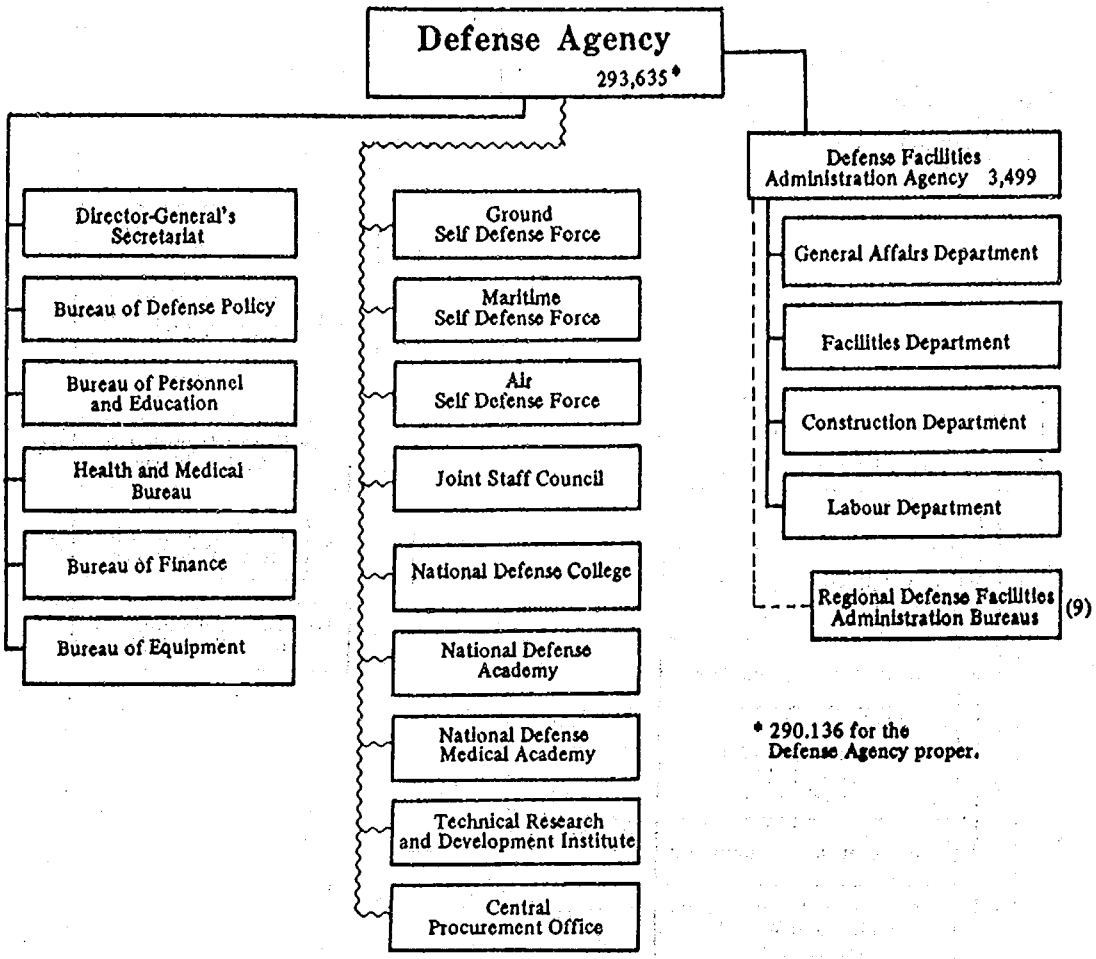

National Public Safety Commission
National Police Agency 7,637
Director-General's Secretariat
Police Administration Bureau
Criminal Investigation Bureau
Safety Department
Traffic Bureau
Security Bureau
Communication Bureau
National Police Academy
National Research Institute of Police Science
Imperial Guard Headquarters
Regional Police Bureaus (7)
Police Communication Division (2)


Environmental Disputes Coordination Commission
Executive Office 40

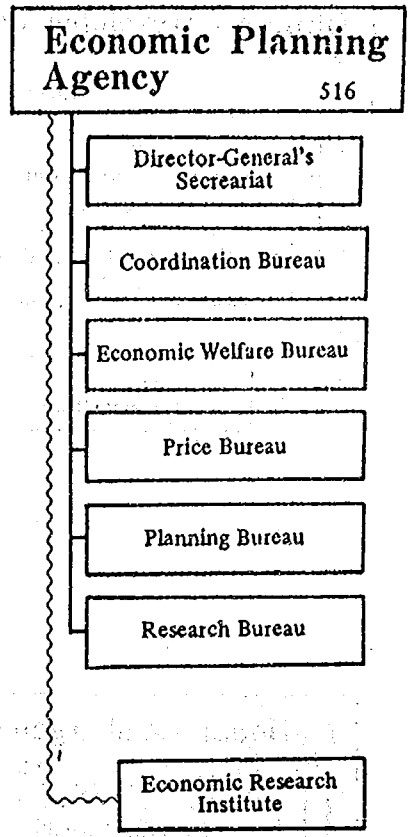

Administrative Management Agency 1,500
Director-General's Secretariat
Administrative Management Bureau
Administrative Inspection Bureau
Regional Administrative Inspection Bureaus
(8)
District Administrative Inspection Bureaus
(41)
Okinawa Administrative Inspection Office

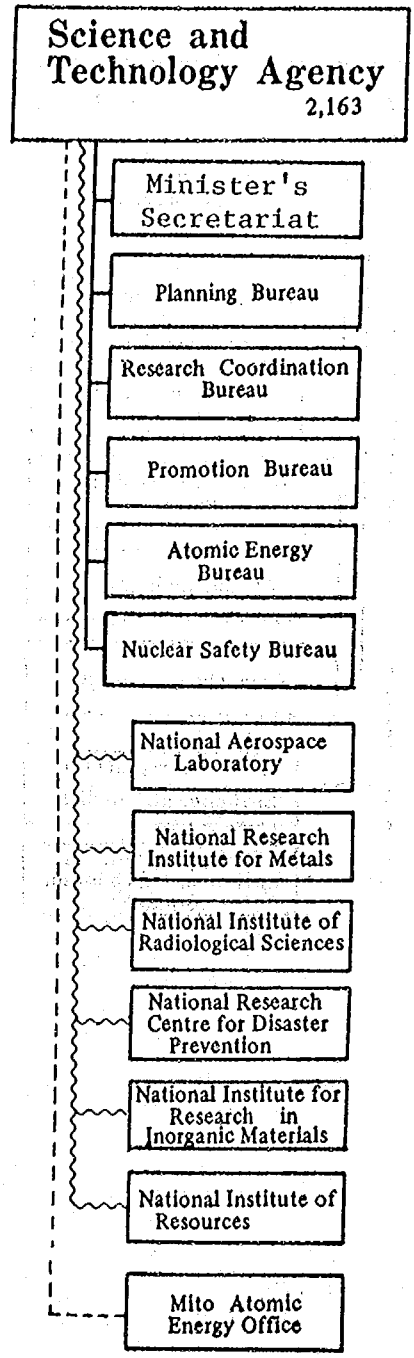

Imperial Household Agency 1,147
Grand Steward's Secretariat
Board of the Chamberlains
Office of the Crown Prince's Household
Board of the Ceremonies
Archives and Mausolea Department
Maintenance and Works Department
Office of the Shosoin Treasure House
Imperial Stock Farm
Kyoto Office of the Imperial Household

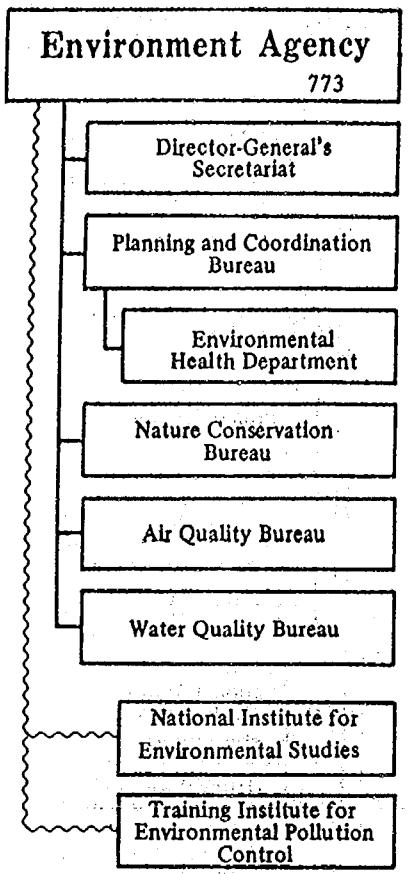

Hokkaido Development Agency 10,495
Hokkaido Development Bureau

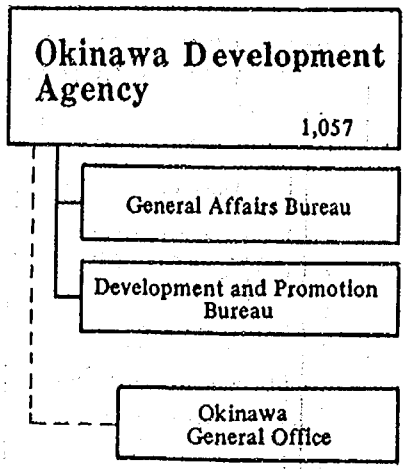


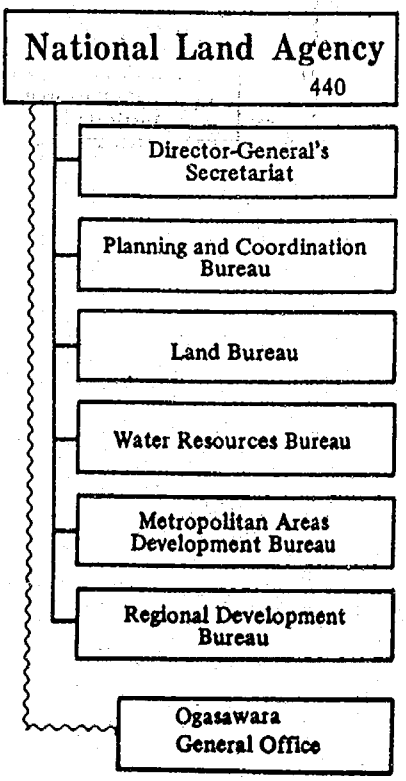
* 290,136 for the Defense Agency proper.

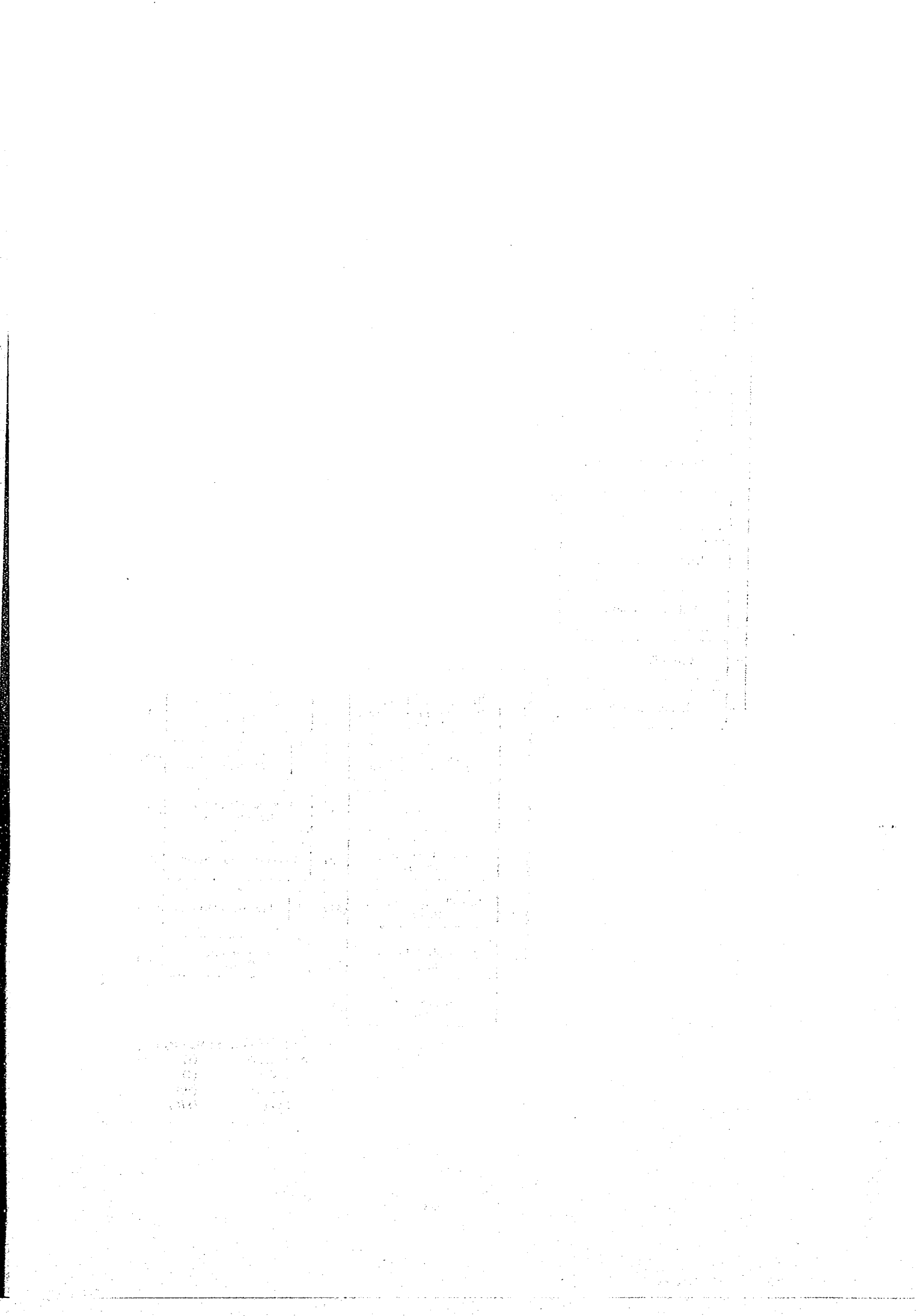

Economic Planning Agency
516
Director-General's Secrearíat
Coordination Bureau
Economic Welfare Bureau
Price Bureau
Planning Bureau
Research Bureau
Economic Research Institute

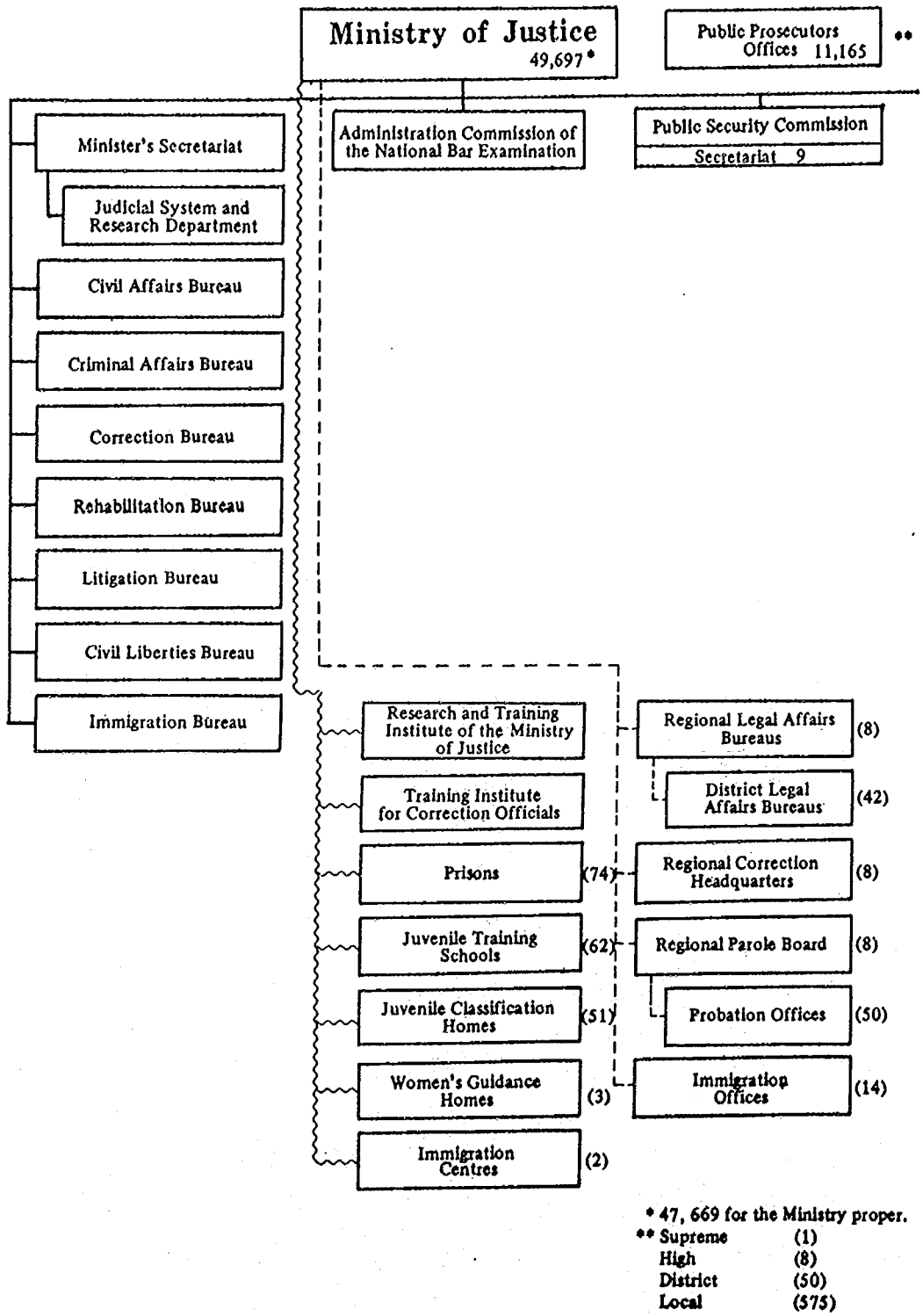

Science and Technology Agency
2,163
Minister's Secretariat
Planning Bureau
Research Coordination Bureau
Promotion Bureau
Atomic Energy Bureau
Nuclear Safety Bureau
National Aerospace Laboratory
National Research Institute for Metals
National Institute of Radiological Sciences
National Research Centre for Disaster Prevention
National Institute for Research in Inorganic Materials
National Institute of Resources
Mito Atomic Energy Office


Environment Agency
773
Director-General's Secretariat
Planning and Coordination Bureau
Environmental Health Department
Nature Conservation Bureau
Air Quality Bureau
Water Quality Bureau
National Institute for Environmental Studies
Training Institute for Environmental Pollution Control


Okinawa Development Agency
1,057
General Affairs Bureau
Development and Promotion Bureau
Okinawa General Office

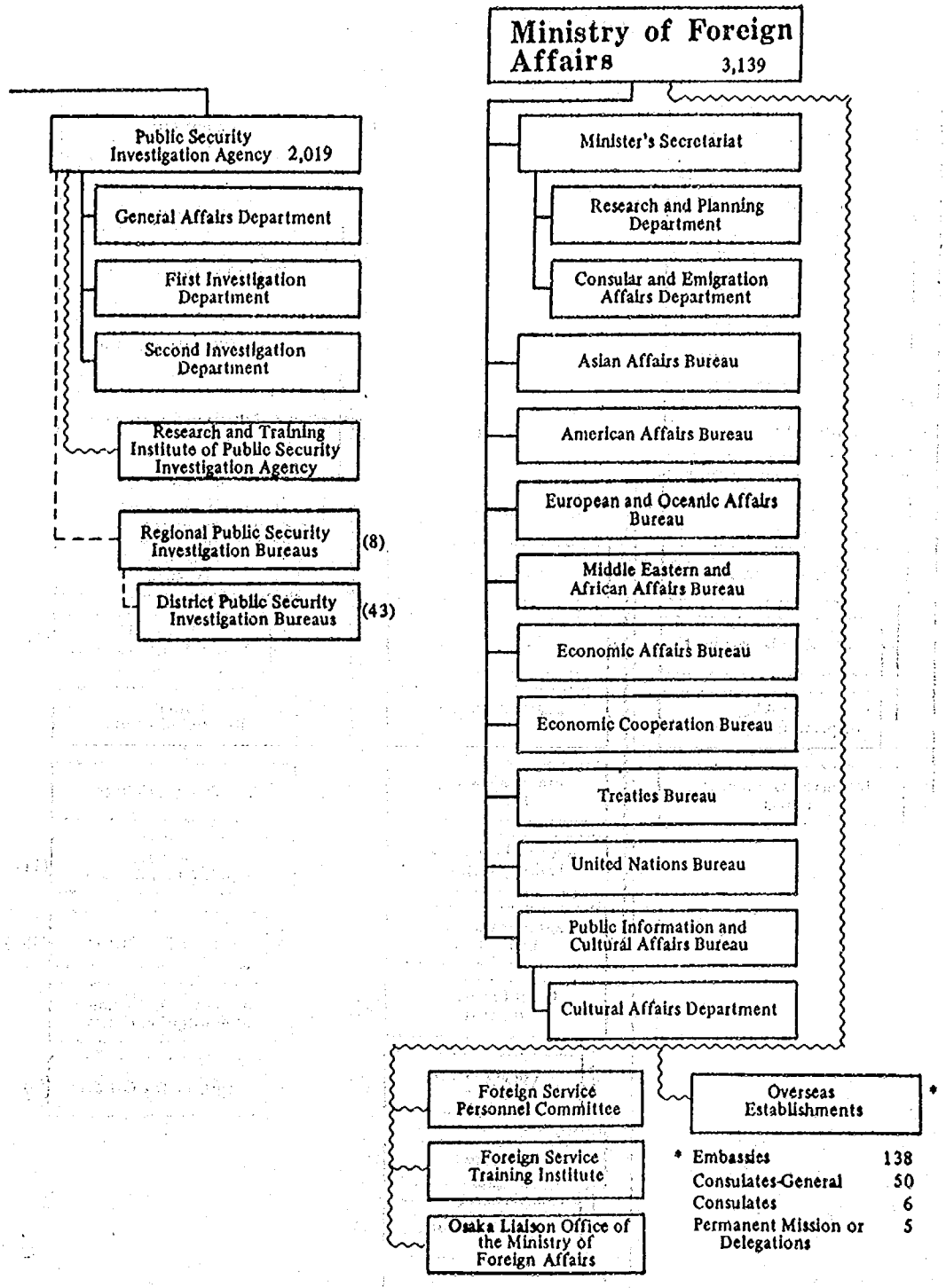

National Land Agency
440
Director-General's Secretariat
Planning and Coordination Bureau
Land Bureau
Water Resources Bureau
Metropolitan Areas Development Bureau
Regional Development Bureau
Ogasawara General Office

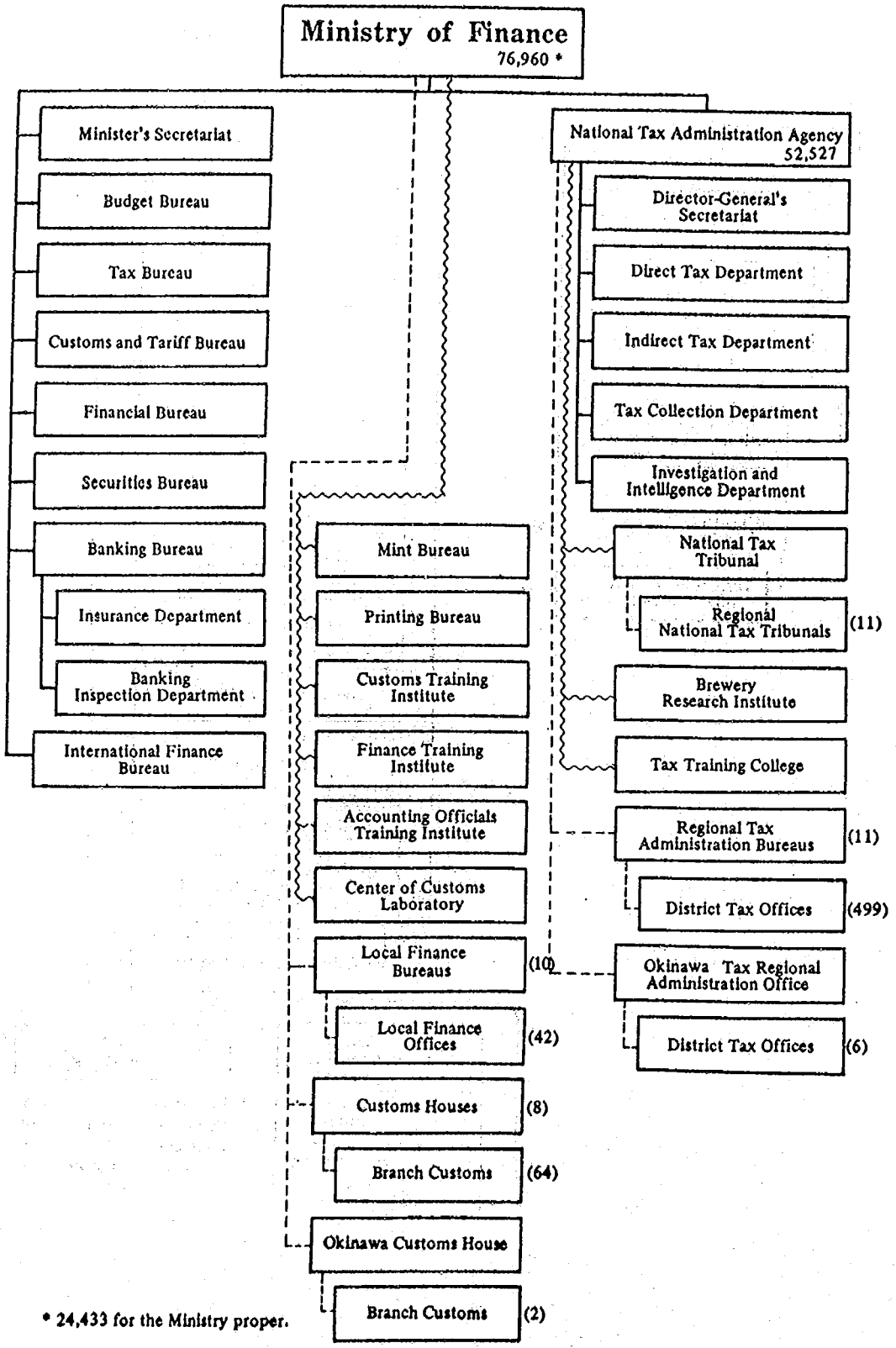




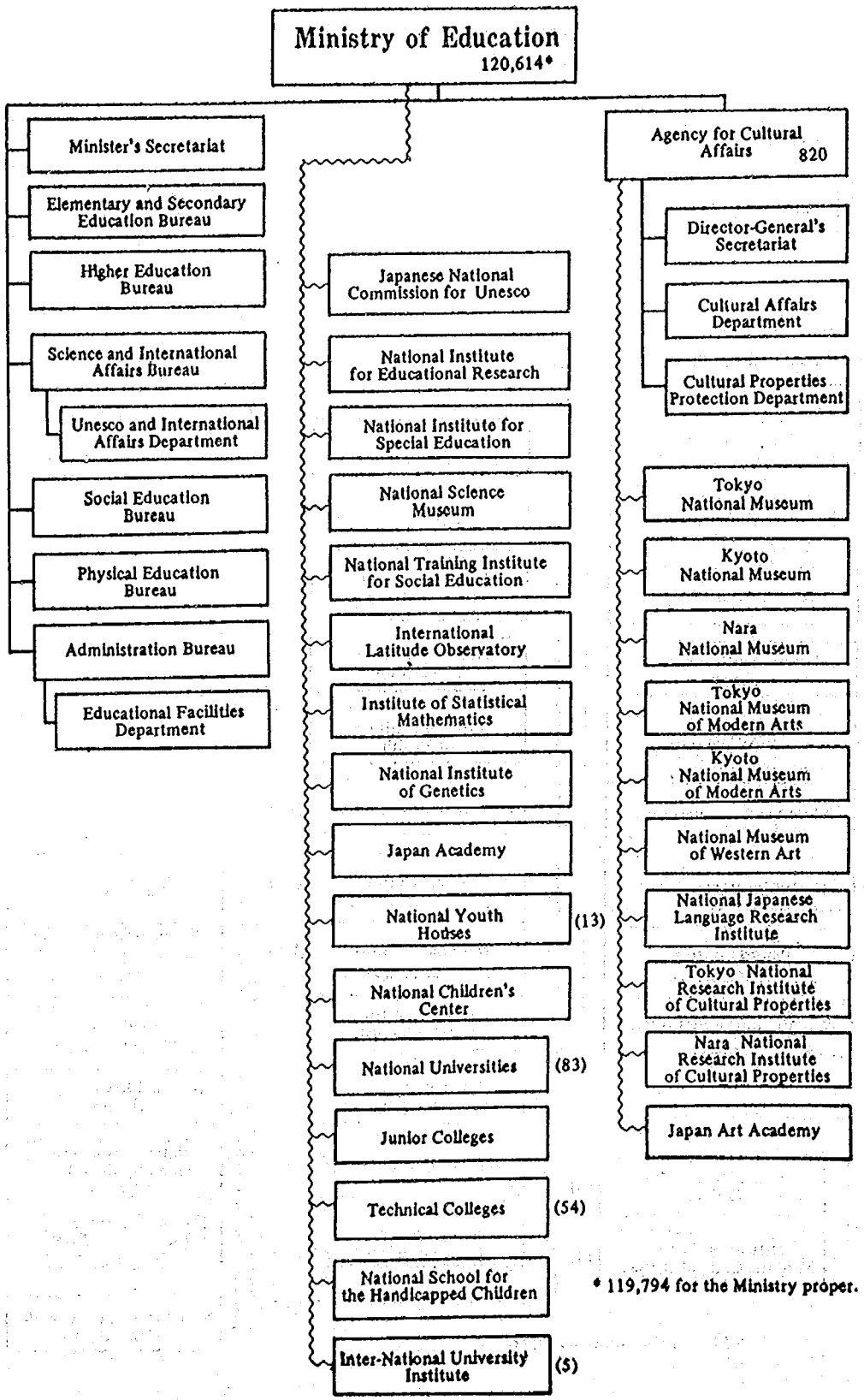
* 47, 669 for the Ministry proper.

** Supreme (1)
High (8)
District (50)
Local (575)

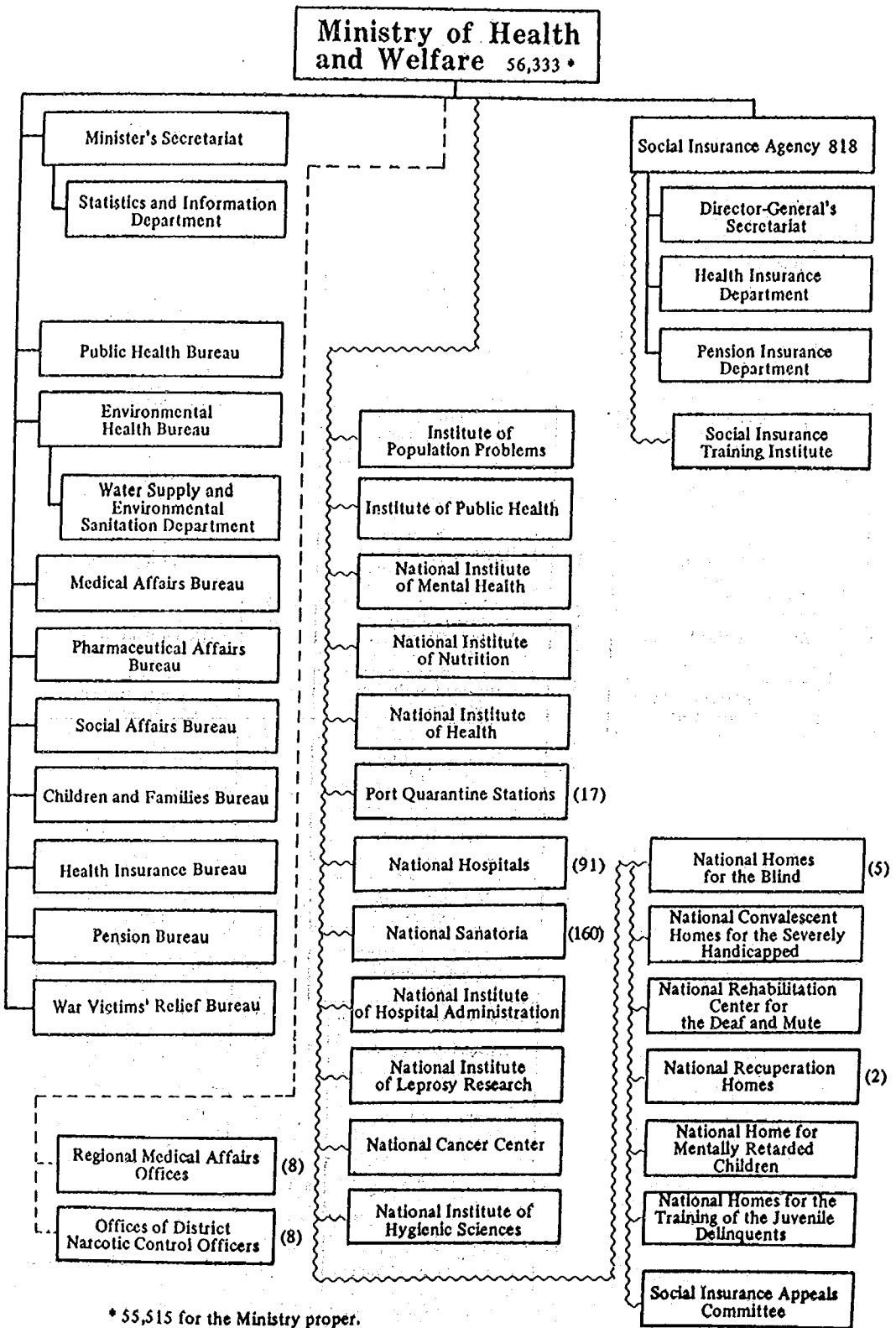

Ministry of Foreign Affairs 3,139
Minister's Secretariat
Research and Planning Department
Consular and Emigration Affairs Department
Asian Affairs Bureau
American Affairs Bureau
European and Oceanic Affairs Bureau
Middle Eastern and African Affairs Bureau
Economic Affairs Bureau
Economic Cooperation Bureau
Treaties Bureau
United Nations Bureau
Public Information and Cultural Affairs Bureau
Cultural Affairs Department
Foreign Service Personnel Committee
Foreign Service Training Institute
Osaka Liaison Office of the Ministry of Foreign Affairs
Overseas Establishments *
* Embassies 138
Consulates-General 50
Consulates 6
Permanent Mission or Delegations 5
Public Security Investigation Agency 2,019
General Affairs Department
First Investigation Department
Second Investigation Department
Research and Training Institute of Public Security Investigation Agency
Regional Public Security Investigation Bureaus (8)
District Public Security Investigation Bureaus (43)



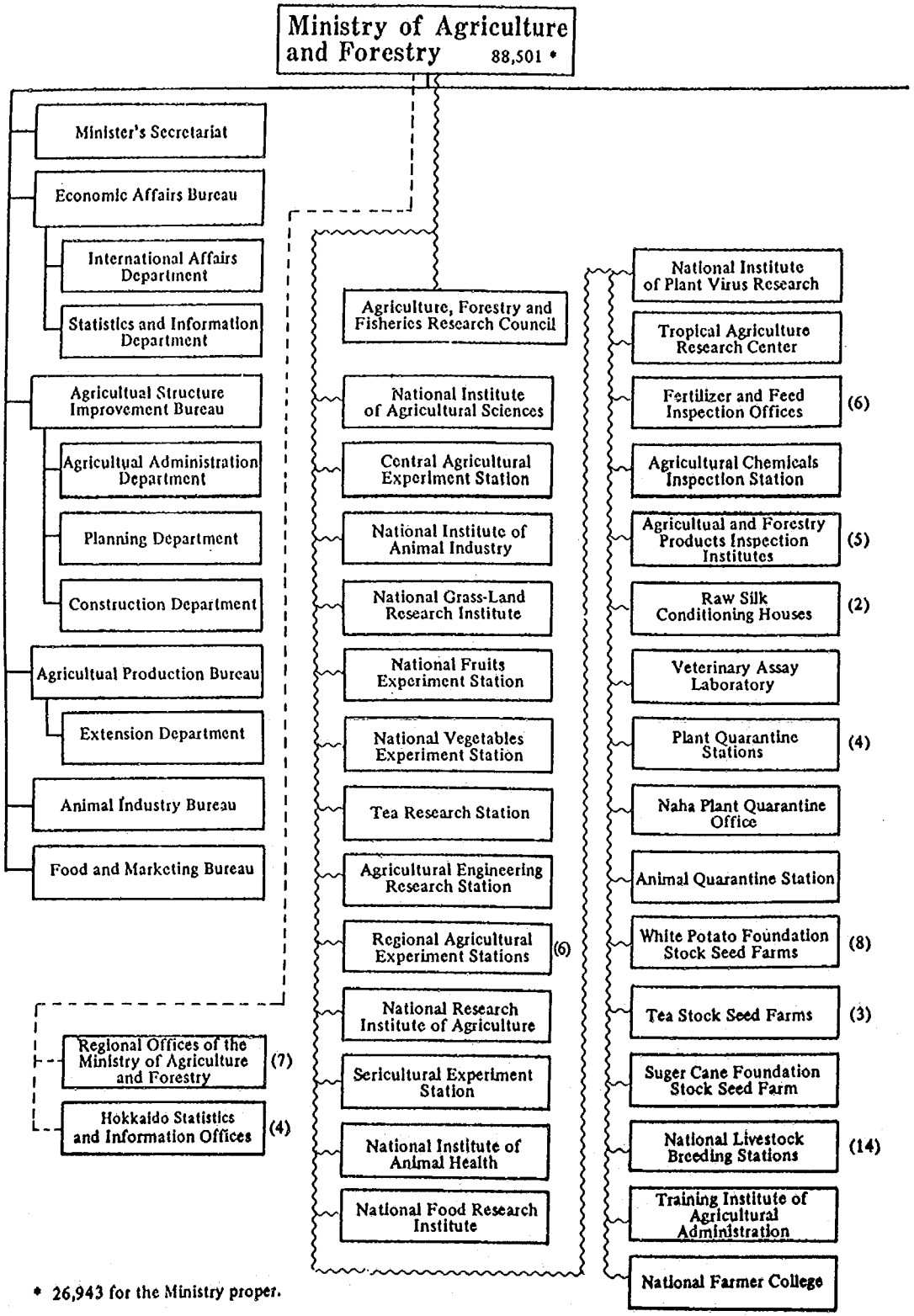
* 24,433 for the Ministry proper.



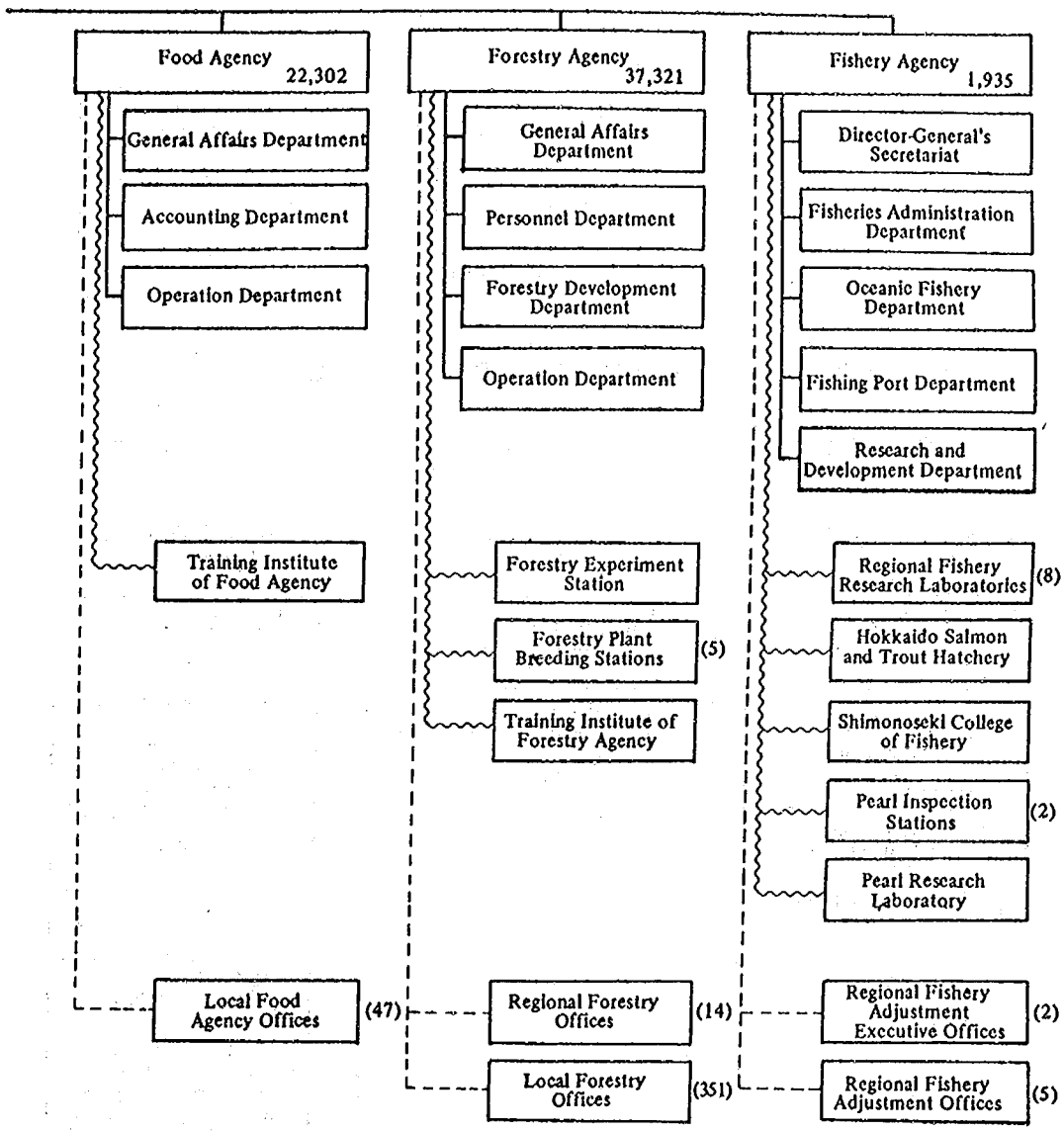
* 119,794 for the Ministry proper.

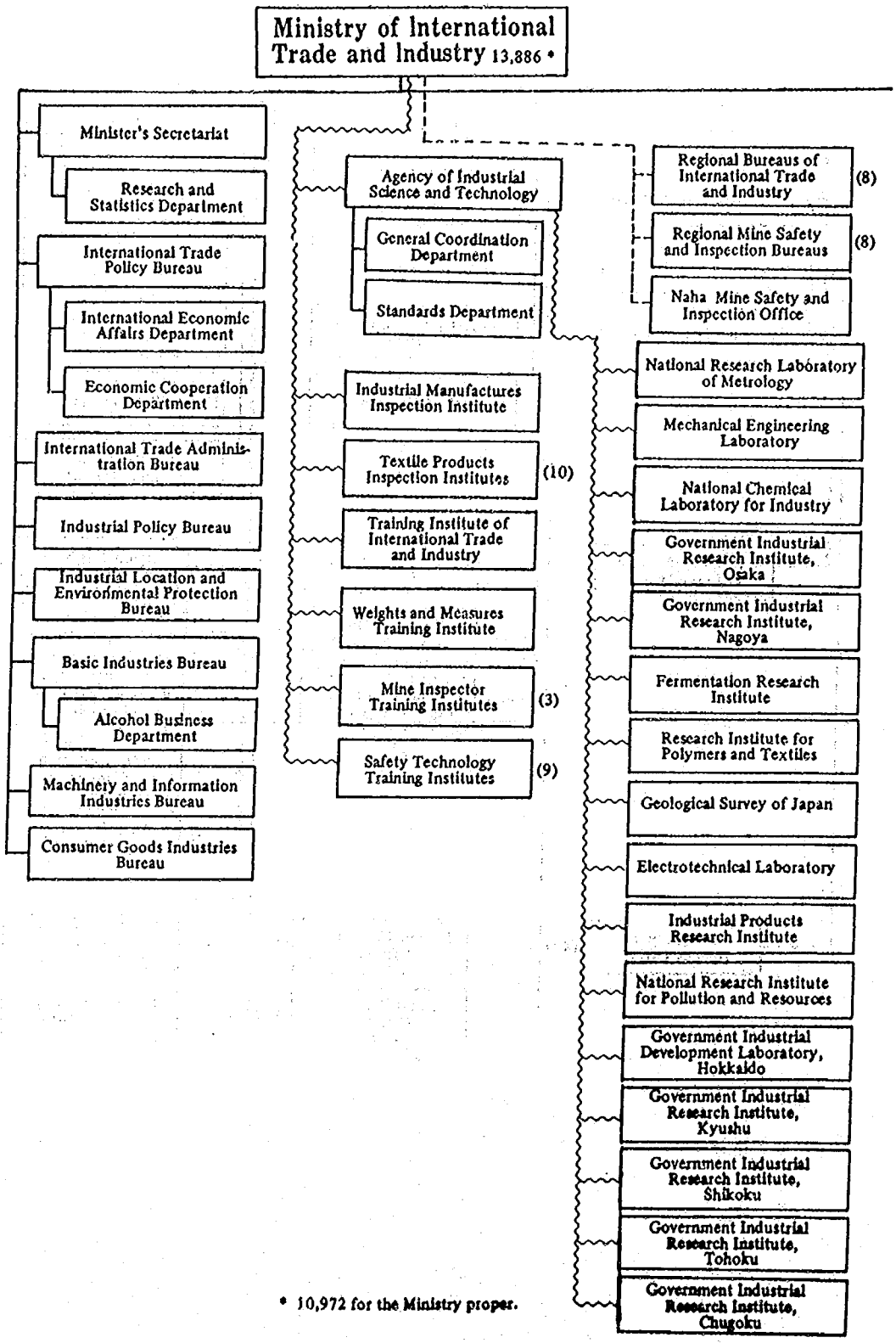


* 55,515 for the Ministry proper.

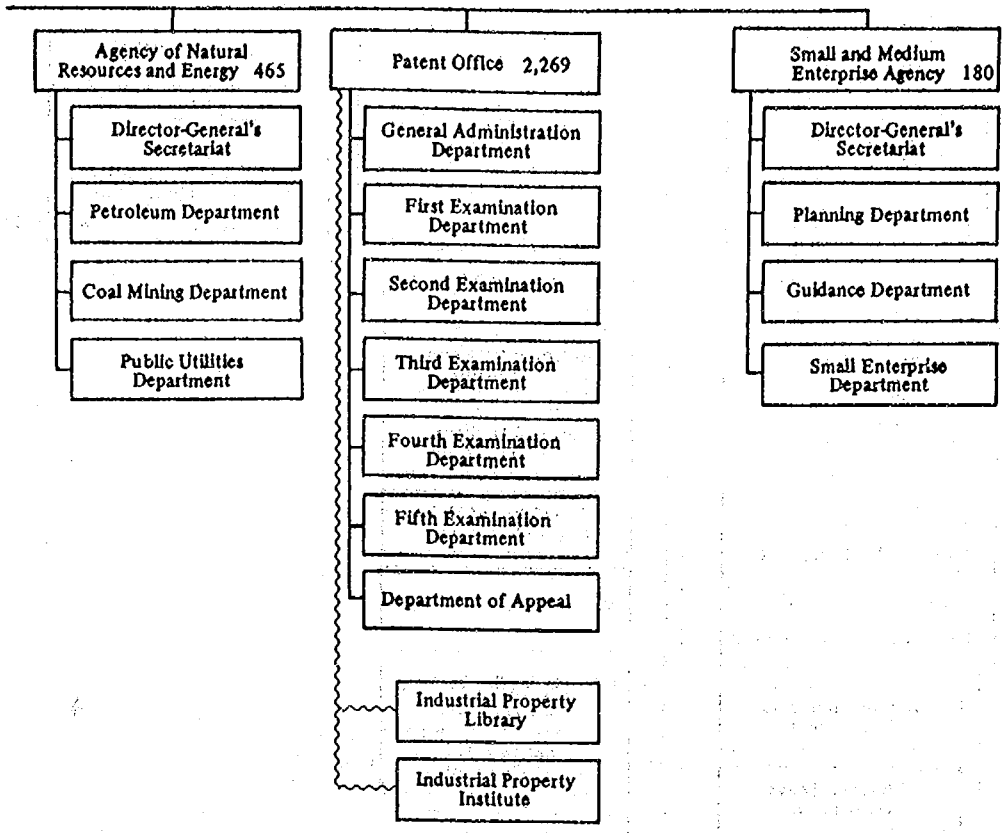


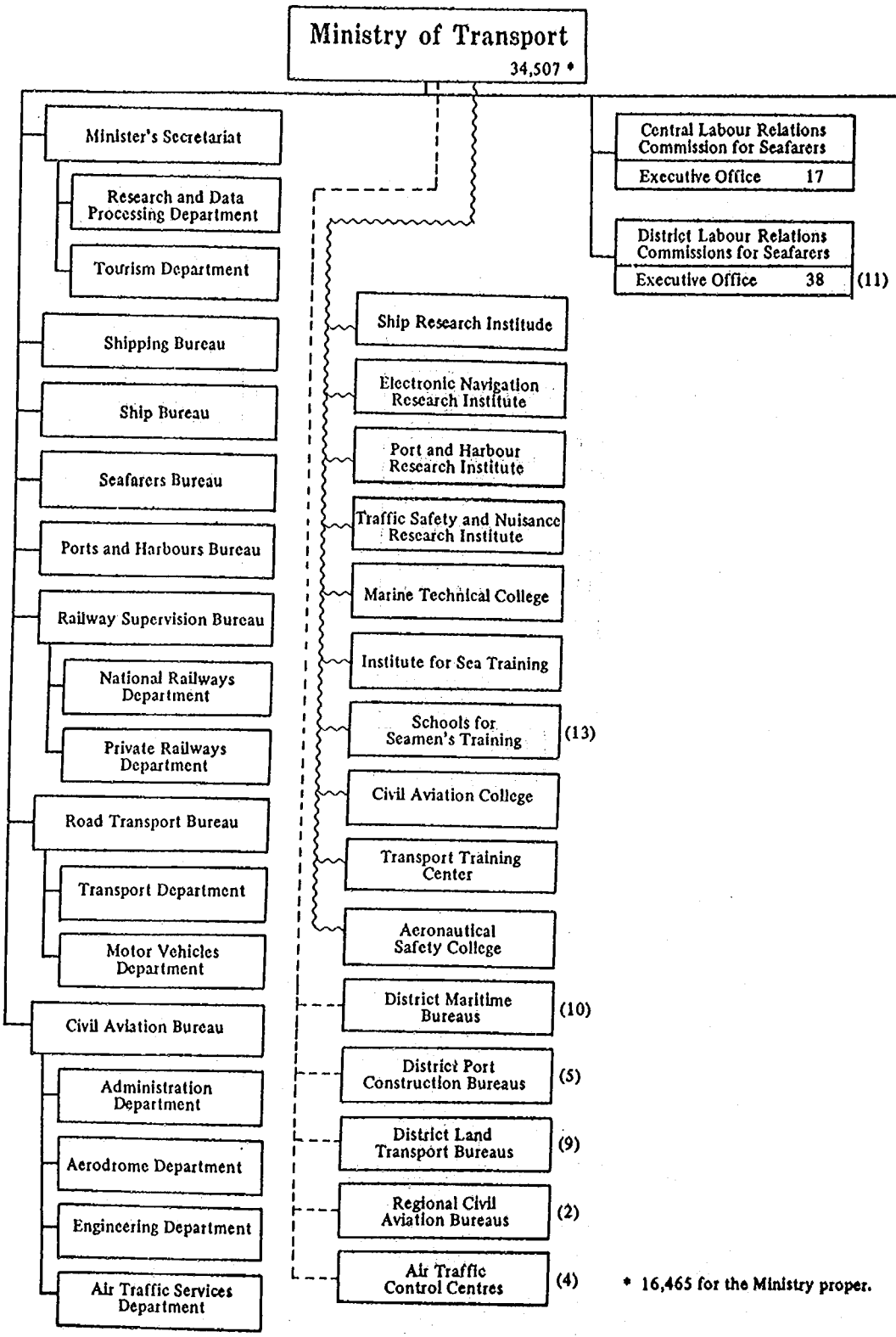
* 26,943 for the Ministry proper.


Food Agency
22,302
General Affairs Department
Accounting Department
Operation Department
Training Institute of Food Agency
Local Food Agency Offices
(47)
Forestry Agency
37,321
General Affairs Department
Personnel Department
Forestry Development Department
Operation Department
Forestry Experiment Station
Forestry Plant Breeding Stations
(5)
Training Institute of Forestry Agency
Regional Forestry Offices
(14)
Local Forestry Offices
(351)
Fishery Agency
1,935
Director-General's Secretariat
Fisheries Administration Department
Oceanic Fishery Department
Fishing Port Department
Research and Development Department
Regional Fishery Research Laboratories
(8)
Hokkaido Salmon and Trout Hatchery
Shimonoseki College of Fishery
Pearl Inspection Stations
(2)
Pearl Research Laboratory
Regional Fishery Adjustment Executive Offices
(2)
Regional Fishery Adjustment Offices
(5)

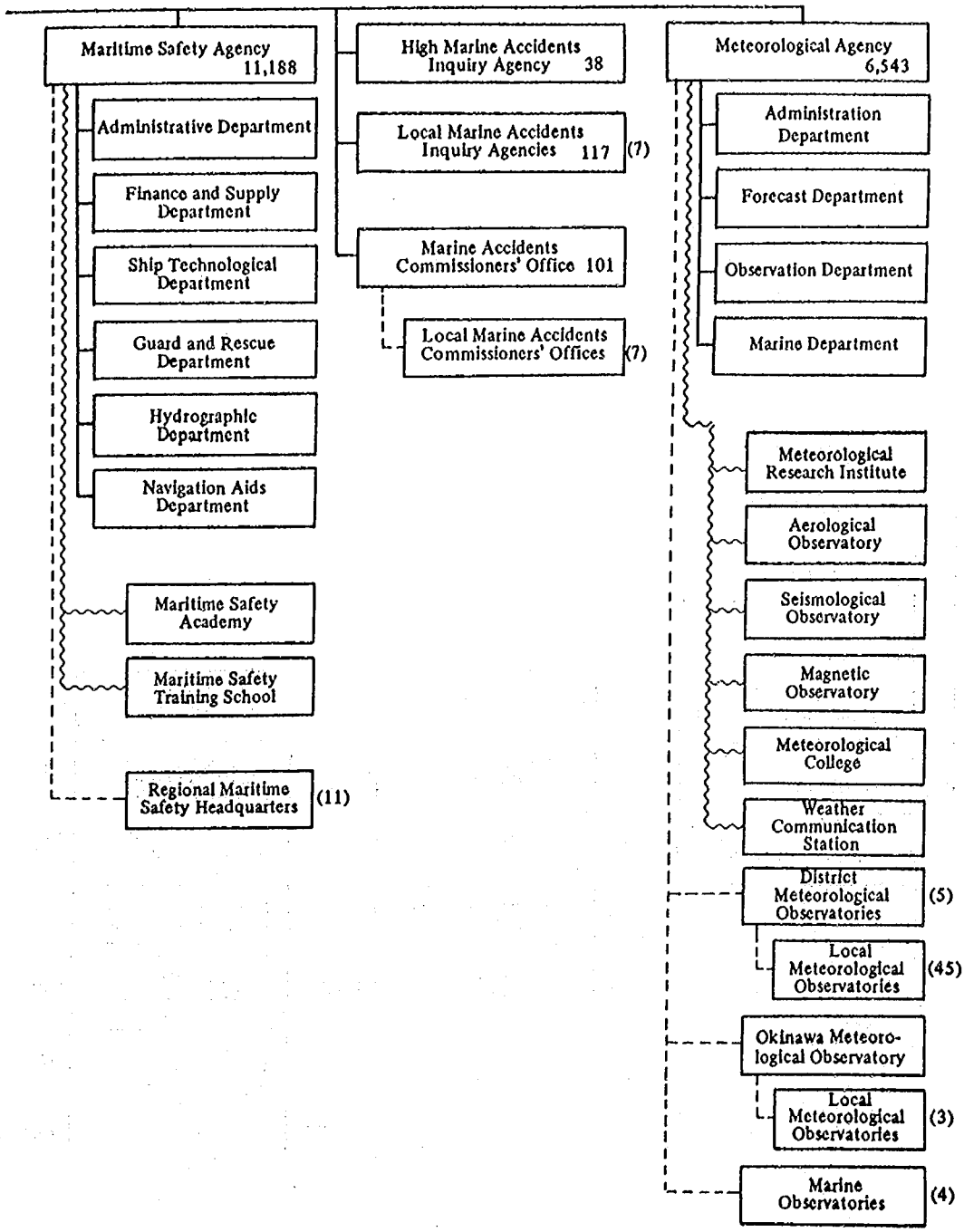


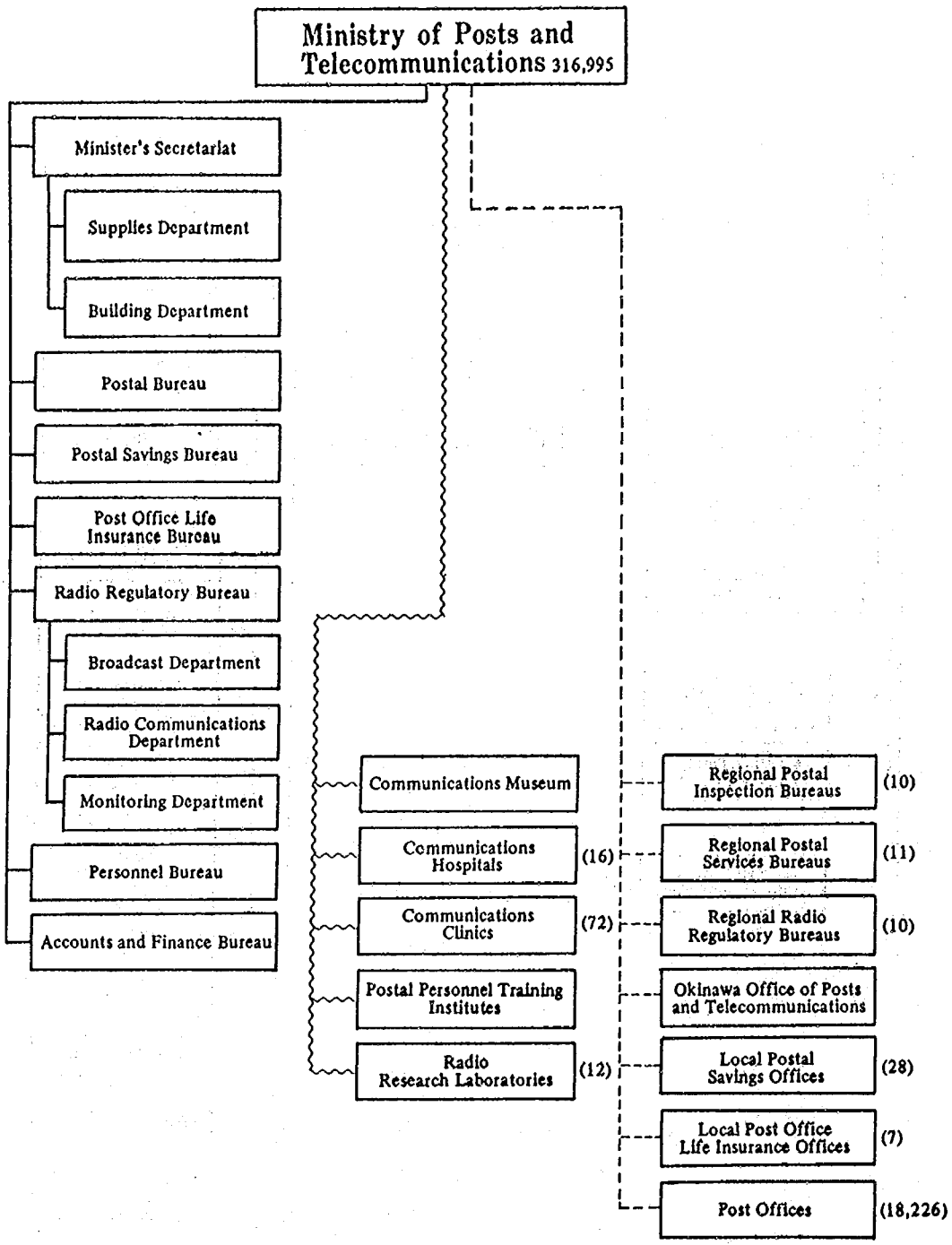
• 10,972 for the Ministry proper.

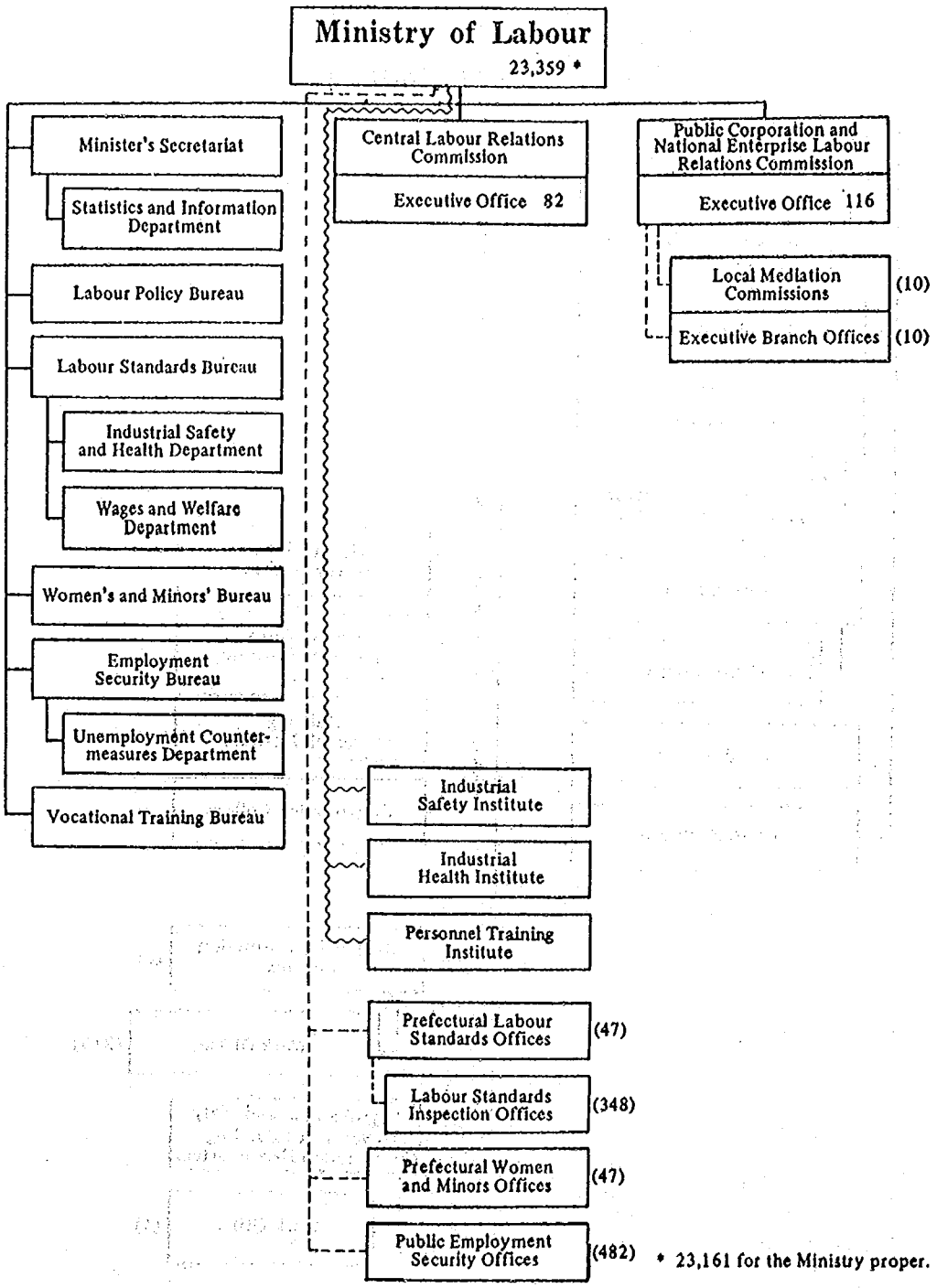

Agency of Natural Resources and Energy 465
Director-General's Secretariat
Petroleum Department
Coal Mining Department
Public Utilities Department
Patent Office 2,269
General Administration Department
First Examination Department
Second Examination Department
Third Examination Department
Fourth Examination Department
Fifth Examination Department
Department of Appeal
Industrial Property Library
Industrial Property Institute
Small and Medium Enterprise Agency 180
Director-General's Secretariat
Planning Department
Guidance Department
Small Enterprise Department



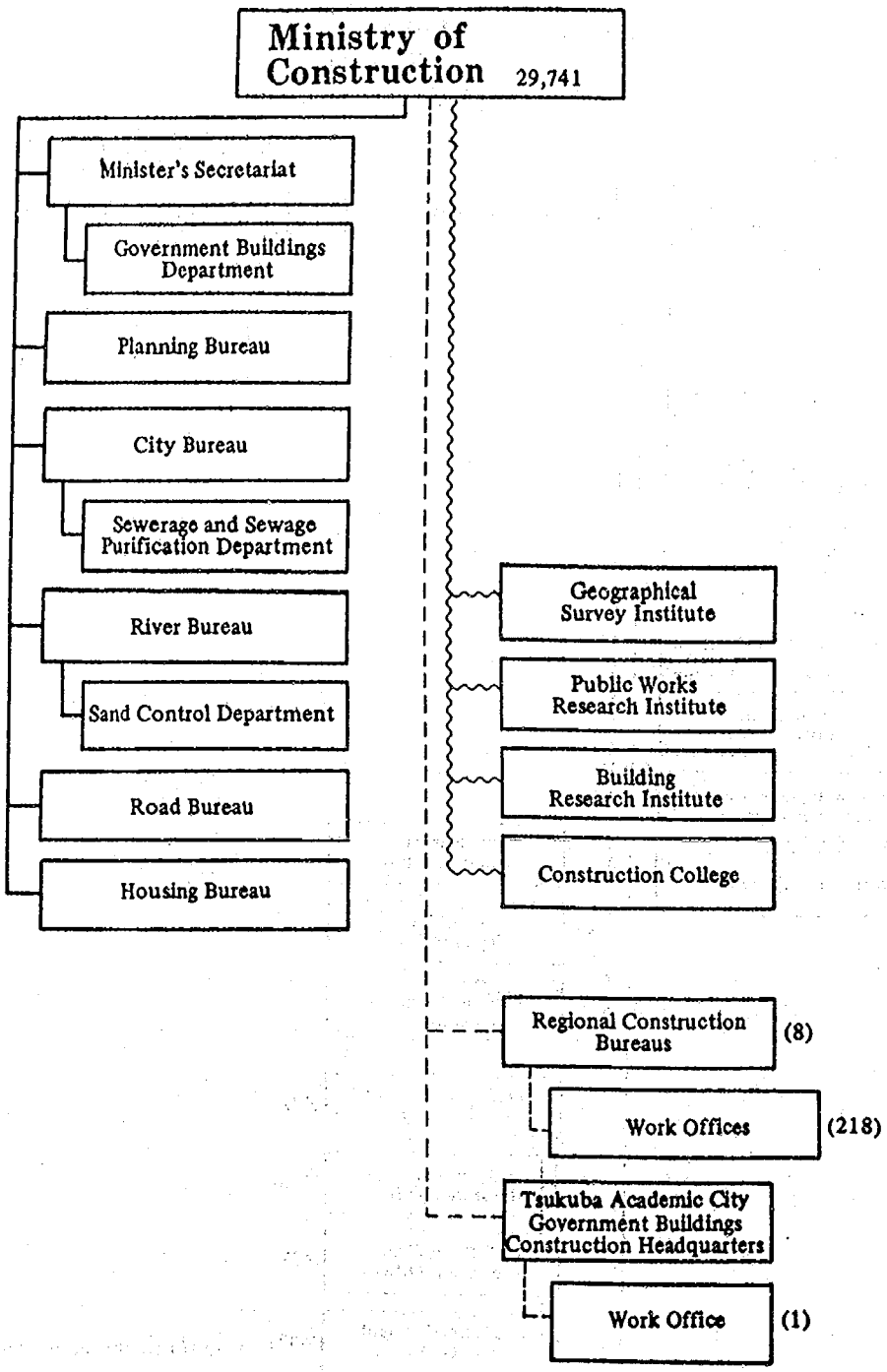
* 16,465 for the Ministry proper.

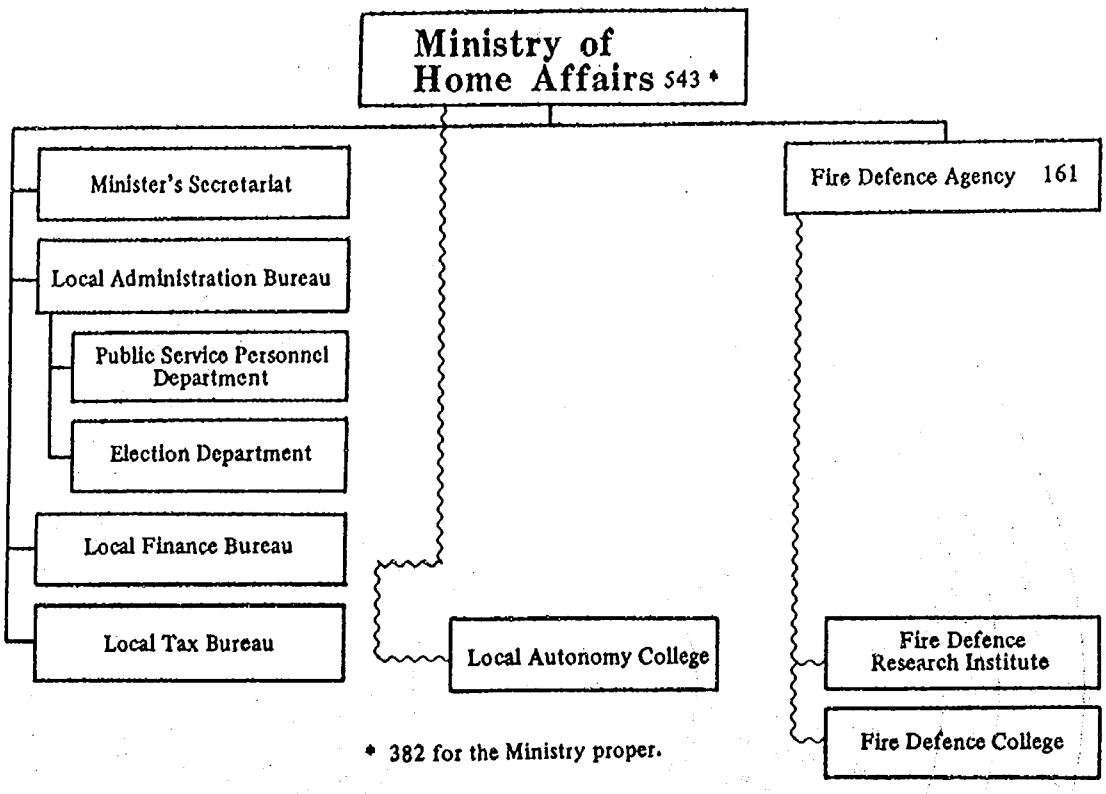

Maritime Safety Agency 11,188
Administrative Department
Finance and Supply Department
Ship Technological Department
Guard and Rescue Department
Hydrographic Department
Navigation Aids Department
Maritime Safety Academy
Maritime Safety Training School
Regional Maritime Safety Headquarters (11)
High Marine Accidents Inquiry Agency 38
Local Marine Accidents Inquiry Agencies 117 (7)
Marine Accidents Commissioners' Office 101
Local Marine Accidents Commissioners' Offices (7)
Meteorological Agency 6,543
Administration Department
Forecast Department
Observation Department
Marine Department
Meteorological Research Institute
Aerological Observatory
Seismological Observatory
Magnetic Observatory
Meteorological College
Weather Communication Station
District Meteorological Observatories (5)
Local Meteorological Observatories (45)
Okinawa Meteorological Observatory
Local Meteorological Observatories (3)
Marine Observatories (4)


Ministry of Posts and Telecommunications 316,995
Minister's Secretariat
Supplies Department
Building Department
Postal Bureau
Postal Savings Bureau
Post Office Life Insurance Bureau
Radio Regulatory Bureau
Broadcast Department
Radio Communications Department
Monitoring Department
Personnel Bureau
Accounts and Finance Bureau
Communications Museum
Communications Hospitals (16)
Communications Clinics (72)
Postal Personnel Training Institutes
Radio Research Laboratories (12)
Regional Postal Inspection Bureaus (10)
Regional Postal Services Bureaus (11)
Regional Radio Regulatory Bureaus (10)
Okinawa Office of Posts and Telecommunications
Local Postal Savings Offices (28)
Local Post Office Life Insurance Offices (7)
Post Offices (18,226)



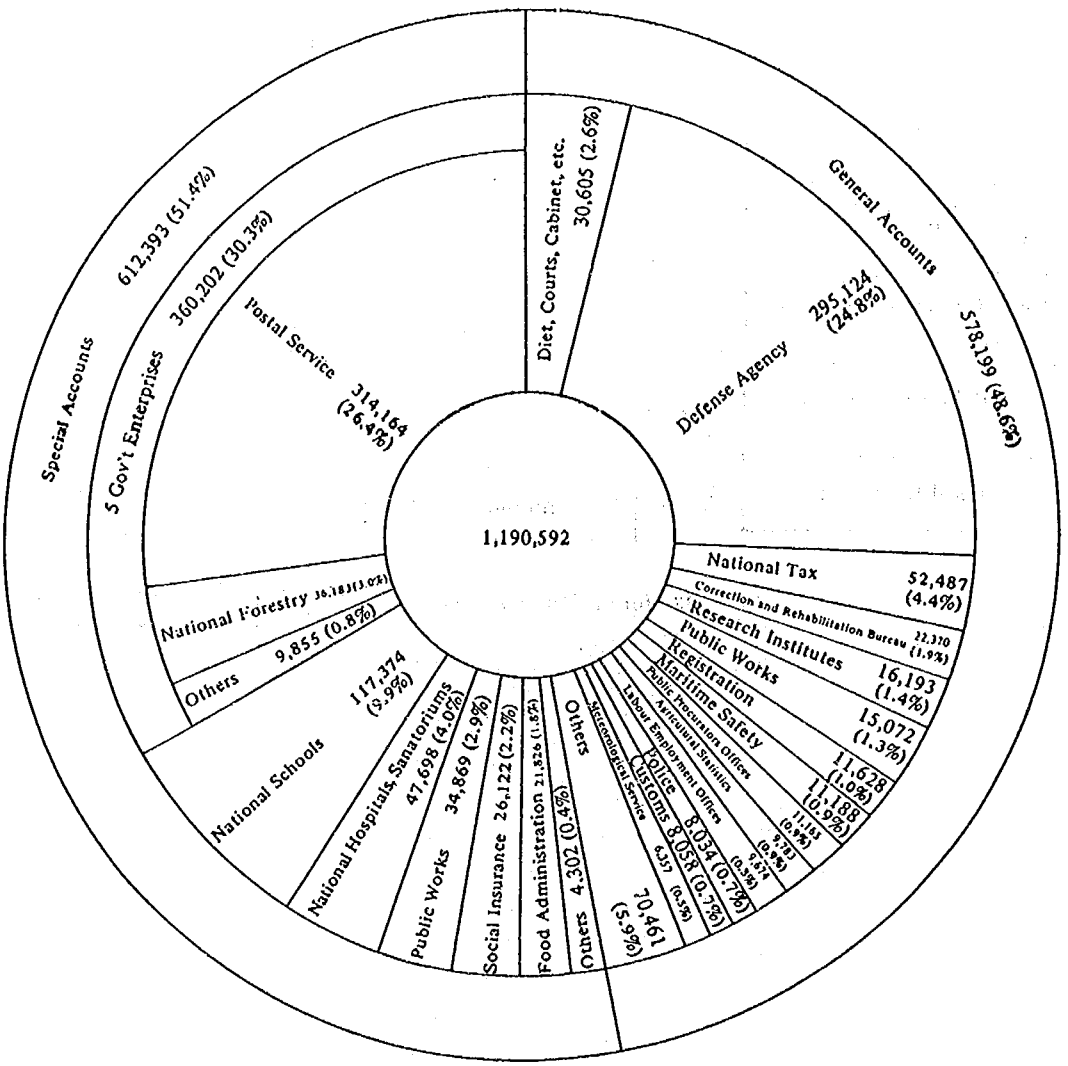
* 23,161 for the Ministry proper.


Ministry of Construction 29,741
Minister's Secretariat
Government Buildings Department
Planning Bureau
City Bureau
Sewerage and Sewage Purification Department
River Bureau
Sand Control Department
Road Bureau
Housing Bureau
Geographical Survey Institute
Public Works Research Institute
Building Research Institute
Construction College
Regional Construction Bureaus
(8)
Work Offices
(218)
Tsukuba Academic City Government Buildings Construction Headquarters
Work Office
(1)



* 382 for the Ministry proper.

II DISTRIBUTION OF FULL-TIME PERSONNEL OF THE NATIONAL GOVERNMENT BY MAJOR PROGRAMS (MARCH 1977)



	Defence Agency	5 Gov't. Enterprises	National Schools	General Administration	Total
1972	292,430	372,106	110,212	419,591	1,194,339
1973	294,334	369,389	111,675	418,470	1,193,868
1974	293,976	366,949	113,134	417,816	1,191,875
1975	294,653	363,293	115,096	418,393	1,191,435
1976	295,124	360,202	117,374	417,892	1,190,592

III LIST OF COUNCILS

Organization	Name of Council
Prime Minister's Office	Public Service System Council
	Pensions Examination Committee
	Employment Council
	Tourism Policy Council
	Public Prosecutors Qualifications Examination Committee
	Advisory Council on Social Security
	Central Council on Welfare of the Mentally and Physically Handicapped People
	Local Government System Research Council
	Election System Council
	Juvenile Problems Council
	Comprehensive National Land Development Council
	National Land Use Planning Council
	Tohoku Region Development Council
	Kyushu Region Development Council
	Shikoku Region Development Council
	Chugoku Region Development Council
	Hokuriku Region Development Council
	National Capital Region Development Council
	Kinki Region Development Council
	Chubu Region Development Council
	Regional Industry Development Council
	Water Resources Development Council
	Council for the Measures of the Snowy Areas
	Electric Power Development Coordination Council
	Fund Operation Council
	Council for the Measures of the Areas with Special Soils
	Remote Islands Development Council
	Amami Islands Development Council
	Ogasawara Islands Rehabilitation Council
	Mountainous Villages Development Measures Council
	Emigration Council
	Atomic Energy Commission
	Radiation Council
	Council of Countemeasures for Prostitution
	Land Development and Principal Expressways Construction Council
	Council for the Measures in Areas Vulnerable to Typhoon

Organization	Name of Council
	Council for Science and Technology
	Tax System Committee
	Agricultural Administration Council
	Forestry Administration Council
	Council for Promotion of Coastal Fishery
	Council of Foreign Economic Cooperation
	Space Activities Commission
	Council for Ocean Development
	Trade Conference
	Small and Medium Enterprise Policy Making Council
	Port and Harbor Coordination Council
	Council for Historical Features in Ancient Capitals
	Committee of Countermeasures for Dowa Districts
	Council for Stabilization of National Life
	Council for Protection of Animals
Administrative Management Agency	Statistics Council
	Commission for Administrative Management and Inspection
Hokkaido Development Agency	Hokkaido Development Council
Defense Agency	Fair Board
	Placement Screening Committee for Self-Defense Force Retired Personnel
	Central Council on Defense Facilities
Economic Planning Agency	Economic Council
	Economic Welfare Council
Science and Technology Agency	Consulting Engineer Council
	Aeronautical Council
	Electronics Council
	Resources Council
	Inventions Promotion Council
Environment Agency	Central Council for Control of Environmental Pollution
	Nature Conservation Council

Organization	Name of Council
	Seto Inland Sea Environmental Conservation Council
	Pollution-Related Health Damage Compensation Grievance Board
Okinawa Development Agency	Okinawa Development Council
National Land Agency	Land Appraisal Committee
Ministry of Justice	Legislative Council of the Ministry of Justice
	Civil Affairs Administration Council
	Correction and Rehabilitation Council
	Assistant Public Prosecutor Selection Committee
	Special Examination Committee for Public Prosecutors
	Selection Committee for Notaries Public
	National Offenders Rehabilitation Commission
Ministry of Foreign Affairs	Foreign Service Personnel Committee
Ministry of Finance	Customs Appeal Committee
	Customs Tariff Council
	Interest Rates Adjustment Council
	Financial System Research Committee
	Insurance Council
	Government Monopoly Enterprise Council
	People's Finance Council
	Financial System Council
	National Public Service Mutual Aid Association Council
	Central National Property Council
	Former Naval Port Cities National Property Disposition Council
	Allied Powers Property Compensation Examination Committee
	Business Accounting Council
	Securities and Exchange Council
	Foreign Investment Council
	Certified Public Accountant Examination Committee
	Compulsory Automobile Liability Insurance Council
National Tax Administration Agency	Central Liquors Council
	Tax Accountant Examiners
	National Tax Examination Council

Organization	Name of Council
Ministry of Education	Central Council for Education
	Council for Selection of Persons of Cultural Merits
	Curriculum Council
	Council for Health and Physical Education
	Council for Science Education and Vocational Education
	Educational Personnel Training Council
	Science Council
	Geodesy Council
	Social Education Council
	Private University Council
	University Chartering Council
	AdHoc Committee of University Problems
	Technical College Council
	Textbook Authorization Research Council
Agency for Cultural Affairs	Council on National Language
	Copyright Council
	Council on Religious Juridical Persons
	Council for the Protection of Cultural Properties
Ministry of Health and Welfare	Examination Committee of Social Insurance
	Council on Population Problems
	National Council on Health and Welfare Statistics
	Central Engenics Protection Council
	Central Mental Health Council
	Atomic Bomb Sufferers Medical Care Council
	Nutrition Council
	Tuberculosis Prevention Council
	Infectious Disease Prevention Investigation Council
	Central Council for the Improved Management of Business Dealing with Sanitation
	Livelihood Environment Council
	Food Sanitation Investigation Council
	Medical Ethics Council
	Council for Post-Graduate Clinical Training for Physicians
	Council for those Engaged in Medical Service
	Medical Service Council
	Central Council for Japanese Traditional Massage, Massage, Finger Pressure, Acupuncture, Moxacautery, Judoorthopaedy, etc.
	Central Pharmaceutical Affairs Council

Organization	Name of Council
	Central Social Welfare Council
	Advisory Council on Welfare of the Physically Handicapped People
	Central Child Welfare Council
	Social Insurance Council
	Central Social Insurance Medical Council
	National Pension Council
	Examination Committee for Relief Assistances
Ministry of Agriculture and Forestry	Agricultural Outlook Council
	Wholesale Market Council
	Agricultural and Forestry Commodity Standards Council
	Agricultural Mutual Aid Reinsurance Council
	Agricultural and Forestry Statistics Council
	Agricultural Mechanization Council
	Agricultural Mechanics Council
	Irrigation and Drainage Council
	Reclamation and Family Promotion Council
	Livestock Industry Promotion Council
	Central Milk Marketing Arbitration Council
	Veterinary License Council
	Sericulture Promotion Council
	Fruit Culture Promotion Council
	Sweet Resources Council
Food Agency	Rice Price Council
Forestry Agency	Forest Insurance Inspection Committee
	Central Forest Council
Fishery Agency	Central Fishery Adjustment Council
	Fishing Port Council
	Pearl Culture Industry Council
	Export Fishing Industry Promotion Council
	Fishing Boat Reinsurance Council
	Fishery Mutual Aid Insurance Council
Ministry of International Trade and Industry	Industrial Structure Council
	Industrial Technology Council
	Board of Mine Safety Examination
	Central Mine Safety Committee
	Export-Import Transaction Council
	Export Inspection Council
	Export Insurance Council

Organization	Name of Council
	Design Council
	Commodity Exchange Council
	Industrial Location and Water Council
	Large Scale Retail Council
	Credit Sale Council
	Consumer Product Safety and Household Goods Labelling Council
	Chemical Product Council
	Electronics Machinery Industry Council
	Data Processing Promotion Council
	Weights and Measure Administration Council
	Aircraft Industry Council
	Vehicle Races Council
	High Pressure Gas and Explosives Safety Council
	Textile Industry Council
	Traditional Craft Industry Council
Agency of Natural Resources and Energy	Advisory Committee for Energy
	Mining Industry Council
	Petroleum and Inflammable Natural Gas Resources Development Council
	Petroleum Council
	Petroleum Supply and Demand Coordination Council
	Coal Mining Council
	Coal Mining Area Development Council
	Electricity Utility Industry Council
	Electric Chief Engineer Qualification Examination Committee
Patent Office	Industrial Property Council
	Patent Attorney Examination and Disciplinary Committee
Small and Medium Enterprise Agency	Small and Medium Enterprise Stabilization Council
	Central Small and Medium Enterprise Mediation Council
	Small and Medium Enterprise Modernization Council
Ministry of Transport	Council for Transport Policy
	Council for Transport Technics
	Transport Council
	Council for Rationalization of Shipping and Shipbuilding Industries
	Council for Maritime Safety and Seamen's Training
	Committee of Wooden Vessels Reinsurance

Organization	Name of Council
	Council for Ports and Harbors
	Council for Construction of Railways
	Compulsory Automobile Liability Reinsurance Investigation Commission
	Council for Civil Aviation
	Aircraft Accident Investigation Commission
Meteorological Agency	Meteorological Council
Ministry of Posts and Telecommunications	Posts and Telecommunications Advisory Council
	Examination Committee for Post Office Life Insurance and Annuities Claims
	Radio Regulatory Council
	Radio Technical Council
	Cablecast Advisory Council
Ministy of Labour	Examination Committee of Labour Insurance
	Smaller Enterprise Retirement Allowance Mutual Aid Council
	Central Labour Standards Council
	Central Industrial Homework Council
	Council for Status of Labour Standards Inspectors
	Workmen's Accident Compensation Insurance Council
	Pneumoconiosis Council
	Central Minimum Wage Council
	Council for Workmen's Property Accumulation
	Women's and Minors' Problems Council
	Central Employment Security Council
	Physically Handicapped Persons' Employment Council
	Council on Measures for Displacement Garrison
	Wages Council for Work Relief Projects
	Central Vocational Training Council
Ministry of Construction	Central Council on Construction Contracting Business
	Central Committee for Adjustment of Construction Work Disputes
	Central City Planning Council
	Housing and Building Land Council
	Building Council
	Central Examination Committee for Architects
	Road Council

Organization	Name of Council
	River Council
	Public Use Land Council
Ministry of Home Affairs	Local Finance Council
	General Election Management Council
	General Fixed Assets Valuation Council
	Council of Mutual Aids Association of Local Public Service Personnel
	Mediation Commission of Local Disputes
Fire Defence Agency	Fire Defence Council

IV LIST OF PUBLIC CORPORATIONS

Classification	Names
Kosha (3)	Japanese National Railways
	Japan Tabacco and Salt Public Corp.
	Nippon Telegraph and Telephone Public Corp.
Kodan (16)	Japan Housing Corp.
	Agricultural Land Development Public Corp.
	Japan Highway Public Corp.
	Tokyo Expressway Public Corp.
	Forest Development Corp.
	Hanshin Super-Highway Corp.
	Maritime Credit Corp.
	Water Resources Development Corp.
	Japan Railway Construction Corp.
	New Tokyo International Airport Corp.
	Japan Petroleum Development Corp.
	Keihin Port Development Authority
	Hanshin Port Development Authority
	Honshu-Shikoku Bridge Authority
	Japan Regional Development Corp.
	New Town Development Public Corp.
Jigyodan (20)	Japan International Cooperation Agency
	Pension Welfare Service Public Corp.
	Post Office Life Insurance and Annuities Welfare Corp.
	Employment Promotion Projects Corp.
	Livestock Industry Promotion Corp.
	Japan Raw Silk Corp.
	Smaller Enterprise Retirement Allowance Mutual Aid Project Corp.
	Coal Mining Industry Rationalization Corp.
	Labor Welfare Projects Corp.
	Research Development Corp. of Japan
	Japan Nuclear-Ship Development Agency
	Power Reactor and Nuclear Fuel Development Corp.
	Small Business Promotion Corp.
	Coal Mine Damage Corp.
	National Space Development Agency
	Metal Mining Agency of Japan
	Environmental Pollution Control Service Corp.

Classification	Names
	Hachirogata New Community Development Corp.
	Smaller Enterprise Mutual Aid Projects Corp.
	Japan Sugar Price Stabilization Agency
Koko (10)	People's Finance Corp.
	Housing Loan Corp.
	Agriculture Forestry and Fishery Finance Corp.
	Small Business Finance Corp.
	Finance Corp. of Local Public Enterprise
	Hokkaido and Tohoku Development Corp.
	Medical Care Facilities Financing Corp.
	Small Business Credit Insurance Corp.
	Environmental Sanitation Business Financing Corp.
	Okinawa Development Finance Corp.
Kinko and Ginko (Depositories and Banks) (4)	Shoko Chukin Bank
	Central Cooperative Bank for Agriculture and Forestry
	Japan Development Bank
	Export-Import Bank of Japan
Eidan (1)	Teito Rapid Transit Authority
Tokushu Gaisha (Special Companies) (12)	Tohoku District Development Co.
	Electric Power Development Co.
	Japan Airlines Co., Ltd.
	Japan Urea and Ammonium Sulphate Export Co., Ltd.
	Nihon Aeroplane Manufacturing Co., Ltd.
	Small Business Investment Co., Ltd. (3)
	Thermo-Electric Power Coal Sells Co., Ltd.
	Japan Motor Terminals Co., Ltd
	Kokusai Denshin Denwa Co.
	Okinawa Electric Power Co., Ltd.
Others (47)	Japan Scholarship Society
	Japan Racing Association
	Japan School-Lunch Society
	Japan School Safety Association
	Private School Personnel Mutual Aid Association
	Foundation for Promotion of Social Welfare Agencies, Inc.
	Japan Keirin Association

Classification	Names
	Japan Auto-Race Association
	Japan Shipbuilding Industry Foundation
	Japan National Tourist Organization
	Association of Children's Land
	Japan Institute of Labor
	Nippon Hoso Kyokai
	Northern Territories Policy Association
	Japan Local Racing Association
	Institution for Safety of High Pressure Gass Engineering
	Japan Fire Equipment Inspection Council
	Japan Worker's Housing Association
	Overseas Economic Cooperation Fund
	Amami Gunto Promotion and Development Credit Fund
	Social Insurance Medical Fee Payment Fund
	Mutual Aid Fund of Compensation for Accident on Duty of Fireman and Others
	Forestry Credit Fund
	Fisheries Mutual Aid Fund
	Japan Atomic Energy Research Institute
	Institute of Physical and Chemical Research
	Institute of Developing Economies
	Social Development Research Institute
	Institute of Agricultural Machinery
	Better Living Information Center
	Japan Electric Meters Inspection Corp.
	Japan Information Center of Science and Technology
	National Stadium
	National Theater
	National Education Center
	Agriculture, Forestry and Fishery Organization Employees Mutual Aid Association
	Mutual Aid Association for Personnel of Organizations
	Olympic Memorial Youth Center
	Japan External Trade Organization
	Construction Retirement Allowance Mutual Aid Association
	Sake Brewery Retirement Allowance Mutual Aid Association
	Japan Private School Promotion Foundation
	Association for Welfare of the Mentally and Physically Handicapped
	Farmer Pension Fund
	Japan Society for the Promotion of Science

Classification	Names
	Japan Foundation
	Pollution-Related Health Damage Compensation Association

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