

Fire Service Act

(Act No. 186 of July 24, 1948)

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Chapter I General Provisions

Article 1 The purpose of this Act is to prevent, guard against, and suppress fires in order to protect the lives, bodies and property of citizens from fires, and to reduce the damage arising from fires or disasters such as earthquakes, thereby maintaining peace and order and contributing to the promotion of social and public welfare.

Article 2 (1) In this Act, the meanings of the terms listed in the following paragraphs shall be as prescribed respectively in those paragraphs.

(2) The term "property under fire prevention measures" means a forest, or a vessel or vehicle, a ship moored at a dock or a pier, a building or other structure or property belonging thereto.

(3) The term "property under fire defense measures" means a forest, or a vessel and vehicle, a ship moored at a dock or a pier, a building or other structure or any other object.

(4) The term "person concerned" means the owner, manager or possessor of a property under fire prevention measures or a property under fire defense measures.

(5) The term "place concerned" means the place where a property under fire prevention measures or a property under fire defense measures is located.

- (6) The term "vessel and vehicle" means a ship, cutter, lighter, tugboat or other vessel to which the provision of Article 2, paragraph (1) of the Ship Safety Act (Act No. 11 of 1933) shall not apply, and a vehicle.
- (7) The term "hazardous materials" means the materials listed in the Names of Items column of Appended Table 1, which have the properties listed in the Nature column of said table according to the Categories specified in said table.
- (8) The term "firefighting team" means a unit of firefighters or fire corps volunteers equipped with firefighting equipment or a prefectural aviation firefighting team under the provisions of the Fire Defense Organization Act (Act No. 226 of 1947).
- (9) The term "ambulance services" means the services for transporting a person who has suffered an injury or contracted a disease as a result of an accident that occurred due to a disaster or an accident that occurred in the open air or at a place with public access (hereinafter referred to as an "accident due to a disaster, etc." in this paragraph) or as a result of an accident equivalent to an accident due to a disaster, etc. or another cause specified by Cabinet Order that occurred in cases specified by Cabinet Order, and who needs to be transported urgently to a medical institution or any other place, by means of an ambulance team, to a medical institution (meaning a medical institution specified by Ordinance of the Ministry of Health, Labour and Welfare) or any other place (including the services for providing a person who has suffered an injury or contracted a disease with first-aid treatment, as an urgent and unavoidable measure, until such person is placed under the control of a doctor).

Chapter II Prevention of Fire

Article 3 (1) A fire chief (in the case of a municipality which has no fire defense headquarters, its mayor; the same shall apply hereinafter, except in Chapter VI and Article 35-3-2), fire station chief or other firefighter may order a person who is committing an act in the open air that is found to be dangerous from a fire prevention perspective, or the owner, manager or possessor, who holds title, of an object in the open air that is found to be dangerous from a fire prevention perspective or an object in the open air that is found to be likely to hinder fire extinguishing activities, evacuation and other fire defense activities, to take the following necessary measures:

- (i) prohibit, suspend or restrict an act of playing with fire, smoking a cigarette, making a bonfire, using equipment or a tool (excluding those falling under the category of structure) that uses fire or equipment or a tool (excluding those falling under the category of structure) that is likely to pose a fire risk when used or any other act equivalent to those acts, or in case of doing such activities, make preparations for fire extinguishing activities;

- (ii) treat embers, ashes or sparks appropriately;
 - (iii) remove or otherwise treat hazardous materials or a flammable object that is left unattended or retained without due cause; and
 - (iv) put in order or remove an object that is left unattended or retained without due cause (excluding the object set forth in the preceding item)
- (2) When a fire chief or fire station chief is unable to identify the owner, manager or possessor, who holds title, of an object that is found to be dangerous from a fire prevention perspective or an object that is found to be likely to hinder fire extinguishing activities, evacuation and other fire defense activities, and therefore unable to order those persons to take any necessary measures under the provision of the preceding paragraph, he/she may have his/her fire defense personnel (in the case of a municipality which has no fire defense headquarters, a fire corps volunteer; the same shall apply in paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 5, paragraph (2) and Article 5-3, paragraph (5)) and Article 5-3, paragraph (2)) take the measures listed in item (iii) or item (iv) of the preceding paragraph with regard to said object, at the expense of said person. In this case, if the fire chief or fire station chief has had the object removed, he/she shall retain said object.
- (3) The provisions of Article 64, paragraph (3) to paragraph (6) of the Basic Act on Disaster Control Measures (Act No. 223 of 1961) shall apply mutatis mutandis where a fire chief or fire station chief retains an object pursuant to the provision of the preceding paragraph. In this case, in these provisions, the term "municipal mayor" shall be deemed to be replaced with "fire chief or fire station chief," the term "structure, etc." shall be deemed to be replaced with "object," and the phrase "the municipality which is under the control and jurisdiction of said municipal mayor" shall be deemed to be replaced with "the municipality to which said fire chief or fire station chief belongs."
- (4) Where a fire chief or fire station chief has ordered that any necessary measures should be taken pursuant to the provision of paragraph (1), if the person ordered to take such measures does not implement the measures at all or does not implement them fully, or if the measures should be implemented by a certain time limit but the implementation thereof is not expected to be completed by said time limit, he/she may, as provided for in the Act on Substitute Execution by Administration (Act No. 43 of 1948), have his/her fire defense personnel or a third party take such measures.

Article 4 (1) A fire chief or fire station chief, when it is necessary for fire prevention, may order a person concerned to submit information materials or request a person concerned to make reports, or have his/her fire defense personnel (in the case of a municipality which has no fire defense headquarters, an official engaged in the fire service affairs of the municipality or a full-time

fire corps volunteer of the municipality; the same shall apply hereinafter, except in Article 5-3, paragraph (2)) enter any place of work, factory or place with public access or any other place concerned, and inspect the position, structure equipment or the status of the management of the property under fire defense measures or ask questions of any related person; provided, however, that the fire chief or fire station chief shall have no person enter an individual's residence unless the person concerned gives consent or there is a particularly urgent necessity for such entry due to an extremely high fire risk.

- (2) When entering any place concerned pursuant to the provision of the preceding paragraph, fire defense personnel shall carry their identification cards as specified by the municipal mayor, and present them when requested to do so by any related person.
- (3) When entering any place concerned pursuant to the provision of paragraph (1), fire defense personnel shall not interfere with the business of a person concerned without due cause.
- (4) Fire defense personnel may not divulge, without due cause, any secret regarding a person concerned that they have come to know in the course of entering any place concerned and conducting an inspection or carrying out questioning pursuant to the provision of paragraph (1).

Article 4-2 (1) A fire chief or fire station chief, when it is particularly necessary for fire prevention, may specify a property under fire defense measures and a date or period and have a fire corps volunteer within the area under his/her jurisdiction (in the case of a municipality which has no fire defense headquarters, limited to a part-time fire corps volunteer) enter the property and conduct an inspection or carry out questioning as set forth in paragraph (1) of the preceding Article on said date or during said period.

- (2) The provisions of the proviso to paragraph (1) of the preceding Article and paragraph (2) to paragraph (4) of said Article shall apply mutatis mutandis in the case referred to in the preceding paragraph.

Article 5 (1) Where a fire chief or fire station chief finds the position, structure equipment or the status of the management of a property under fire prevention measures to be dangerous from a fire prevention perspective, finds them to be likely to hinder fire extinguishing activities, evacuation and other fire defense activities, or finds that they will endanger human life once a fire occurs, or finds other necessities arising from a fire prevention perspective, he/she may order the person concerned who holds title (in cases where it is found that there is a particularly urgent necessity, the person concerned and the contractor of a construction work or site manager) to improve, relocate or remove said property under fire prevention measures or suspend or stop the

construction work thereof or take any other necessary measures; provided, however, that this shall not apply to a building or other structure for which permission or authorization for the construction, extension, reconstruction, or relocation and reconstruction has been granted under other laws and regulations and where there has been no change in the circumstances thereafter.

- (2) The provision of Article 3, paragraph (4) shall apply mutatis mutandis where a fire chief or fire station chief has ordered any necessary measures pursuant to the provision of the preceding paragraph.
- (3) Where a fire chief or fire station chief has issued an order under the provision of paragraph (1), he/she shall give public notice to that effect by posting a sign or by another method specified by Ordinance of the Ministry of Internal Affairs and Communications.
- (4) The sign set forth in the preceding paragraph may be posted at the property under fire prevention measures for which an order is issued under the provision of paragraph (1) or at the place where said property under fire prevention measures is located. In this case, the owner, manager or possessor of the property under fire prevention measures for which an order is issued under the provision of said paragraph or the place where said property under fire prevention measures is located may not refuse or obstruct the posting of the sign.

Article 5-2 (1) Where the position, structure, equipment or the status of the management of a property under fire prevention measures fall under any of the following cases, a fire chief or fire station chief may order the person concerned who holds title to prohibit, suspend or restrict the use of the property under fire prevention measures:

- (i) where the necessary measures ordered under the provisions of paragraph (1) of the preceding Article, paragraph (1) of the following Article, Article 8, paragraph (3) or paragraph (4), Article 8-2, paragraph (3), Article 8-2-5, paragraph (3) or Article 17-4, paragraph (1) or paragraph (2) have not been implemented at all or have not been fully implemented, or such measures should be implemented by a certain time limit but the implementation thereof is not expected to be completed by said time limit, and for these reasons, the fire chief or fire station chief still finds the position, structure, equipment or the status of the management of the property under fire prevention measures to be dangerous from a fire prevention perspective, finds them to be likely to hinder fire extinguishing activities, evacuation and other fire defense activities, or finds that they will endanger human life once a fire occurs; or
- (ii) where the fire chief or fire station chief finds it impossible, when only

issuing the order under the provisions of paragraph (1) of the preceding Article, paragraph (1) of the following Article, Article 8, paragraph (3) or paragraph (4), Article 8-2, paragraph (3), Article 8-2-5, paragraph (3) or Article 17-4, paragraph (1) or paragraph (2), to eliminate the danger from a fire prevention perspective, hindrance to fire extinguishing activities, evacuation and other fire defense activities or danger to human life once a fire occurs.

- (2) The provisions of paragraph (3) and paragraph (4) of the preceding Article shall apply mutatis mutandis to an order under the provision of the preceding paragraph.

Article 5-3 (1) A fire chief, fire station chief or other firefighter may order a person who is committing an act that is found to be dangerous from a fire prevention perspective within a property under fire prevention measures, or the owner, manager or possessor, who holds title, of an object that is found to be dangerous from a fire prevention perspective within a property under fire prevention measures or of an object that is found to be likely to hinder fire extinguishing activities, evacuation and other fire defense activities within a property under fire prevention measures (in cases where it is found that there is a particularly urgent necessity, the owner, manager or possessor of said object or the person concerned with said property under fire prevention measures; the same shall apply in the following paragraph), to take the necessary measures listed in the items of Article 3, paragraph (1).

- (2) When a fire chief or fire station chief is unable to identify the owner, manager or possessor, who holds title, of an object that is found to be dangerous from a fire prevention perspective or an object that is found to be likely to hinder fire extinguishing activities, evacuation and other fire defense activities, and therefore unable to order these persons to take any necessary measures under the provision of the preceding paragraph, he/she may have his/her fire defense personnel take the measures listed in Article 3, paragraph (1), item (iii) or item (iv) with regard to said object, at the expense of said person. In this case, the fire and fire station chief shall, in advance, set a reasonable time limit and give public notice to the effect that such measures should be implemented by said time limit and that if the measures have not been implemented by said time limit, his/her fire defense personnel will implement the measures; provided, however, that this shall not apply when it is found that there is an urgent necessity.
- (3) Where a fire chief or fire station chief has taken any measures under the provision of the preceding paragraph, if he/she has had the object removed, he/she shall retain said object.

- (4) The provisions of Article 64, paragraph (3) to paragraph (6) of the Basic Act

on Disaster Control Measures shall apply mutatis mutandis where a fire chief or fire station chief retains an object pursuant to the provision of the preceding paragraph. In this case, in these provisions, the term "municipal mayor" shall be deemed to be replaced with "fire chief or fire station chief," the term "structure, etc." shall be deemed to be replaced with "object," and the phrase "the municipality which is under the control and jurisdiction of said municipal mayor" shall be deemed to be replaced with "the municipality to which said fire chief or fire station chief belongs."

- (5) The provision of Article 3, paragraph (4) shall apply mutatis mutandis where a fire chief or fire station chief has ordered any necessary measures pursuant to the provision of paragraph (1), and the provisions of Article 5, paragraph (3) and paragraph (4) shall apply mutatis mutandis to an order under the provision of paragraph (1).

Article 5-4 The period set forth in the main clause of Article 14, paragraph (1) of the Administrative Appeal Act (Act No. 160 of 1962) or Article 45 of said Act with regard to a application for examination of or an objection to an order issued under the provisions of Article 5, paragraph (1), Article 5-2, paragraph (1), or paragraph (1) of the preceding Article shall be within 30 days from the day following the day on which the order was issued.

Article 6 (1) An action for the revocation of an order issued under the provisions of Article 5, paragraph (1), Article 5-2, paragraph (1) or Article 5-3, paragraph (1) or for the revocation of a determination or decision concerning an appeal against such order may not be filed after 30 days have elapsed from the day on which the order or the determination or decision was issued or made; provided, however that this shall not apply where there are justifiable grounds for failing to meet such time limit.

- (2) Where a judgment is made to revoke an order issued under the provision of Article 5, paragraph (1) or Article 5-2, paragraph (1), any loss arising from said order shall be compensated for at market value.
- (3) If the position, structure, equipment or the status of the management of a property under fire prevention measures prescribed in Article 5, paragraph (1) or Article 5-2, paragraph (1) is not in violation of this Act or any order under this Act or of other laws and regulations, any loss arising from an order issued under the provisions of Article 5, paragraph (1) or Article 5-2, paragraph (1) shall, notwithstanding the provision of the preceding paragraph, be compensated for at market value.
- (4) Costs required for paying compensation under the provisions of the preceding two paragraphs shall be borne by the municipality concerned.

Article 7 (1) An administrative agency which has the authority to grant permission, authorization or confirmation for the new construction, extension, reconstruction, relocation, repair or remodeling of a building, for a change of intended purpose of a building or for use of a building, or a person delegated thereby, or a designated confirmation and inspection body which makes a confirmation under the provision of Article 6-2, paragraph (1) of the Building Standards Act (Act No. 201 of 1950) (including cases where applied mutatis mutandis pursuant to Article 87, paragraph (1); hereinafter the same shall apply in this paragraph) (meaning a designated confirmation and inspection body prescribed in Article 77-21, paragraph (1) of said Act; hereinafter the same shall apply in this Article) may not grant said permission, authorization or confirmation or make a confirmation under the provision of Article 6-2, paragraph (1) of said Act, respectively, without the consent of the fire chief or fire station chief who has jurisdiction over the construction site or location of the building for which said permission, authorization or confirmation or a confirmation under the provision of Article 6-2, paragraph (1) of said Act is sought; provided, however, that this shall not apply where the building for which a confirmation (including a confirmation under the provision of Article 6-2, paragraph (1) of said Act) is sought is a residence (excluding a row house, apartment house and any other residence specified by Cabinet Order) within areas other than primary fire protection districts or secondary fire protection districts listed in Article 8, paragraph (1), item (v) of the City Planning Act (Act No. 100 of 1968) or where a building official makes a confirmation under the provision of Article 6, paragraph (1) of the Building Standards Act as applied mutatis mutandis pursuant to Article 87-2 of said Act.

(2) Where a fire chief or fire station chief is requested to give consent pursuant to the provision of the preceding paragraph, if the plan for the building is not in violation of the provisions of any Acts or any order or prefectural/municipal ordinance thereunder (if a fire chief or fire station chief is requested to give consent in cases where a building official or designated confirmation and inspection body makes a confirmation pursuant to the provisions of Article 6, paragraph (4) or Article 6-2, paragraph (1) of the Building Standards Act (including cases where these provisions are applied mutatis mutandis pursuant to Article 87, paragraph (1) of said Act) for the construction, major repair (meaning a major repair as set forth in Article 2, item (xiv) of said Act), major remodeling (meaning major remodeling as set forth in Article 2, item (xv) of said Act) of a building set forth in Article 6-3, paragraph (1), item (i) or item (ii) of said Act or for a change of intended purpose of such building, or makes a confirmation for the construction of a building as set forth in Article 6-3, paragraph (1), item (iii) of said Act, the provisions of the laws and regulations concerning the building standards specified by Cabinet Order as set forth in

Article 6, paragraph (1) of said Act as applied by replacing the relevant terms and phrases pursuant to the provision of Article 6-3, paragraph (1) of said Act shall be excluded), the fire chief or fire station chief shall give consent within three days from the day on which he/she was requested to give consent in the case falling under Article 6, paragraph (1), item (iv) of said Act or within seven days from the day on which he/she was requested to give consent in other cases, and give notice to the administrative agency or person delegated thereby or the designated confirmation and inspection body to that effect. In this case, the fire chief or fire station chief, when he/she finds any grounds on which he/she cannot give consent, shall give notice to the administrative agency or person delegated thereby or the designated confirmation and inspection body to that effect by such time limit.

- (3) The provision of Article 68-20, paragraph (1) of the Building Standards Act (including cases where applied mutatis mutandis pursuant to Article 68-23, paragraph (2) of said Act) shall apply mutatis mutandis to the examination to be conducted by a fire chief or fire station chief when he/she is requested to give consent pursuant to the provision of paragraph (1).

Article 8 (1) A person who holds the title to manage a school, hospital, factory, workplace, entertainment facility, department store (including a large-scale retail store specified by Cabinet Order as being equivalent thereto; the same shall apply hereinafter), a multi-purpose property under fire prevention measures (meaning a property under fire prevention measures used for two or more intended purposes specified by Cabinet Order; the same shall apply hereinafter), or any other property under fire prevention measures to which a number of people have access or in which a number of people work or reside and which is specified by Cabinet Order, shall appoint a fire prevention manager from among qualified persons specified by Cabinet Order, and have him/her prepare a fire defense plan, conduct drills for fire extinguishing activities, reporting and evacuation, inspect and improve the equipment used for fire defense, water supply for fire defense or facilities necessary for fire extinguishing activities, supervise the use or handling of fire, maintain and manage the structure and equipment necessary for evacuation or fire prevention, manage the capacity of the property at the appropriate level, and perform any other operations necessary for fire prevention management according to the fire defense plan with regard to said property under fire prevention measures.

- (2) A person who holds the title set forth in the preceding paragraph, when he/she has appointed a fire prevention manager pursuant to the provision of said paragraph, shall notify the competent fire chief or fire station chief to that effect without delay. The same shall apply when such person has dismissed the

fire prevention manager.

- (3) A fire chief or fire station chief, where he/she finds that a fire prevention manager set forth in paragraph (1) has not been appointed, may order the person who holds the title set forth in said paragraph to appoint a fire prevention manager pursuant to the provision of said paragraph.
- (4) Where a fire chief or fire station chief finds that the operations necessary for fire prevention management that should be performed pursuant to the provision of paragraph (1) with regard to a property under fire prevention measures as set forth in said paragraph by a fire prevention manager as set forth in said paragraph have not been performed in accordance with the provisions of laws and regulations or a fire defense plan as set forth in said paragraph, he/she may order the person who holds the title set forth in said paragraph to take the necessary measures so as to ensure that such operations are performed in accordance with the provisions of laws and regulations or a fire defense plan.
- (5) The provisions of Article 5, paragraph (3) and paragraph (4) shall apply *mutatis mutandis* to an order under the provisions of the preceding two paragraphs.

Article 8-2 (1) With regard to a high-rise building (meaning a building with a height of 31 meters or more; the same shall apply in Article 8-3, paragraph (1)) or other property under fire prevention measures specified by Cabinet Order, which is subject to management under separate titles, or an underground mall (meaning a combination of an underground passage and a set of stores, offices and other similar facilities established within an underground structure which stand in a row facing said underground passage; the same shall apply hereinafter), which is subject to management under separate titles, if such property is designated by a fire chief or fire station chief, those persons who hold the titles shall, through consultation, prepare a fire defense plan and specify other matters concerning the operations necessary for fire prevention management, which are specified by Ordinance of the Ministry of Internal Affairs and Communications.

- (2) The persons who hold the titles set forth in the preceding paragraph, when they have specified the matters which are specified by Ordinance of the Ministry of Internal Affairs and Communications, shall notify the competent fire chief or fire station chief to that effect without delay. The same shall apply when they have made any changes to such matters.
- (3) A fire chief or fire station chief, where he/she finds that the matters specified by Ordinance of the Ministry of Internal Affairs and Communications set forth in paragraph (1) have not been specified, may order the persons who hold the titles set forth in said paragraph to specify said matters pursuant to the

provision of said paragraph.

- (4) The provisions of Article 5, paragraph (3) and paragraph (4) shall apply mutatis mutandis to an order under the provision of the preceding paragraph.

Article 8-2-2 (1) A person who holds the title to manage a property under fire prevention measures as set forth in Article 8, paragraph (1) specified by Cabinet Order as one for which inspection is necessary from a fire prevention perspective shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, have a person who has expert knowledge on the prevention of fire within a property under fire prevention measures and has a qualification specified by Ordinance of the Ministry of Internal Affairs and Communications (hereinafter referred to as a "qualified inspector of property under fire prevention measures" in the following paragraph, paragraph (1) of the following Article and Article 36, paragraph (3)) inspect, periodically, whether or not the operations necessary for fire prevention management within the property under fire prevention measures, the installation and maintenance of equipment used for fire defense, supply of water for fire defense or facilities necessary for fire extinguishing activities and other matters necessary for the prevention of fire (referred to as the "matters subject to inspection" in the following paragraph, paragraph (1) of the following Article and Article 36, paragraph (3)) conform to the standards specified by Ordinance of the Ministry of Internal Affairs and Communications regarding the matters provided for in this Act or any order under this Act (referred to as the "inspection standards" in the following paragraph, paragraph (1) of the following Article and Article 36, paragraph (3)), and report the inspection results to a fire chief or fire station chief; provided, however, that this shall not apply to the matters subject to the inspection and reporting under the provision of Article 17-3-3.

(2) Where the matters subject to inspection pertaining to a property under fire prevention measures, as a result of an inspection under the provision of the preceding paragraph (in the case of a property under fire prevention measures which is subject to management under separate titles, an inspection under the provision of the preceding paragraph covering the whole of the property under fire prevention measures (excluding the part for which a certification is granted under the provision of paragraph (1) of the following Article)), are judged by a qualified inspector of a property under fire prevention measures to conform to the inspection standards, a label stating the date of inspection and other matters specified by Ordinance of the Ministry of Internal Affairs and Communications may be affixed to said property, as provided for by Ordinance of the Ministry of Internal Affairs and Communications.

(3) Except in the case prescribed in the preceding paragraph, no person shall affix a label set forth in said paragraph or any label confusingly similar to a

label set forth in said paragraph to any property under fire prevention measures.

- (4) Upon finding any property under fire prevention measures to which a label set forth in paragraph (2) is affixed without complying with the provision of paragraph (2) or to which a label confusingly similar to a label set forth in said paragraph is affixed, a fire chief or fire station chief may order the person concerned who holds title in said property under fire prevention measures to remove said label or affix a cancellation mark thereon.
- (5) The provision of paragraph (1) shall not apply to a property under fire prevention measures for which the certification set forth in paragraph (1) of the following Article is granted.

Article 8-2-3 (1) A fire chief or fire station chief may certify a property under fire prevention measures set forth in paragraph (1) of the preceding Article which satisfies the following requirements, as a property under fire prevention measures for which special provisions should be established with regard to the application of the provision of said paragraph, upon an application from the person who holds the title to manage the property under fire prevention measures:

- (i) three years have passed since the applicant commenced the management of the property under fire prevention measures;
- (ii) the property under fire prevention measures does not fall under any of the following:
 - (a) an order under the provisions of Article 5, paragraph (1), Article 5-2, paragraph (1), Article 5-3, paragraph (1), Article 8, paragraph (3) or paragraph (4), Article 8-2-5, paragraph (3) or Article 17-4, paragraph (1) or paragraph (2) has been issued within the past three years (limited to cases where the position, structure, equipment or the status of the management of the property under fire prevention measures is in violation of this Act or any order under this Act or of other laws and regulations), or the grounds for such order currently exist;
 - (b) the certification has been rescinded under the provision of paragraph (6) within the past three years, or the grounds for such rescission currently exist;
 - (c) no inspection or reporting under the provision of paragraph (1) of the preceding Article has been conducted within the past three years in violation of the provision of said paragraph, or a false report has been made in the reporting set forth in said paragraph; or
 - (d) as a result of the inspection under the provision of paragraph (1) of the preceding Article, the matters subject to inspection pertaining to the property under fire prevention measures have been judged by a qualified

- inspector of property under fire prevention measures to fail to conform to the inspection standards within the past three years; or
- (iii) in addition to what is specified in the preceding item, the property under fire prevention measures is judged to conform to the standards specified by Ordinance of the Ministry of Internal Affairs and Communications as proving excellent compliance with this Act or any order under this Act.
- (2) An applicant shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, apply to a fire chief or fire station chief by attaching, to a written application, a document stating the location of the property under fire prevention measures for which a certification under the provision of the preceding paragraph is sought and other matters specified by Ordinance of the Ministry of Internal Affairs and Communications, and undergo an inspection.
- (3) When a fire chief or fire station chief has granted a certification under the provision of paragraph (1) or decided not to grant a certification, he/she shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, give notice to the applicant to that effect.
- (4) When a property under fire prevention measures for which a certification under the provision of paragraph (1) was granted has come to fall under any of the following, the certification shall lose its effect:
- (i) when three years have passed since the certification was granted (in cases where an application under the provision of paragraph (2) has been filed with regard to the property under fire prevention measures before three years have passed since the certification was granted, the certification shall cease to be effective when the notice under the preceding paragraph has been given); or
- (ii) when there has been a change of the person holding the title to manage the property under fire prevention measures.
- (5) When there has been a change of the person holding the title to manage the property under fire prevention measures for which a certification under the provision of paragraph (1) was granted, the person who initially held the title shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, notify a fire chief or fire station chief to that effect.
- (6) When a property under fire prevention measures for which a certification under the provision of paragraph (1) was granted falls under any of the following, the fire chief or fire station chief shall rescind the certification:
- (i) when it is found that the certification was granted by deception or other wrongful means;
- (ii) when an order under the provisions of Article 5, paragraph (1), Article 5-2, paragraph (1), Article 5-3, paragraph (1), Article 8, paragraph (3) or paragraph (4), Article 8-2-5, paragraph (3) or Article 17-4, paragraph (1) or

- paragraph (2) is issued (limited to cases where the position, structure equipment or the status of the management of the property under fire prevention measures is in violation of this Act or any order under this Act or of other laws and regulations); or
- (iii) when the property under fire prevention measures ceases to fall under paragraph (1), item (iii).
- (7) With regard to a property under fire prevention measures for which a certification under the provision of paragraph (1) was granted (in the case of a property under fire prevention measures which is subject to management under separate titles, limited to such property under fire prevention measures where a certification under the provision of said paragraph was granted for the property as a whole), a label stating the date of certification and other matters specified by Ordinance of the Ministry of Internal Affairs and Communications may be affixed to said property, as provided for by Ordinance of the Ministry of Internal Affairs and Communications.
- (8) The provisions of paragraph (3) and paragraph (4) of the preceding Article shall apply mutatis mutandis to a label set forth in the preceding paragraph.

Article 8-2-4 A person who holds the title to manage a school, hospital, factory, workplace, entertainment facility, department store, hotel, restaurant, underground mall, multi-purpose property under fire prevention measures or any other property under fire prevention measures specified by Cabinet Order shall manage the corridors, staircases, escape exits and other facilities necessary for evacuation within the property under fire prevention measures so as to avoid any object that is likely to hinder evacuation from being left unaddressed or retained without due cause around these facilities, and also manage the fire doors within said property so as to avoid any object that is likely to hinder the closing of the doors from being left unaddressed or retained without due cause in front of the doors.

Article 8-2-5 (1) A person who has the title to manage a property under fire prevention measures set forth in Article 8, paragraph (1), to which a number of people have access and which is specified by Cabinet Order as a large-scale property, shall set up a fire defense organization for self-protection within the property under fire prevention measures, as provided for by Cabinet Order.

(2) The person who holds the title set forth in the preceding paragraph, when he/she has set up a fire defense organization for self-protection pursuant to the provision of said paragraph, shall notify the competent fire chief or fire station chief of the current status of the staff of the fire defense organization for self-protection and other matters specified by Ordinance of the Ministry of Internal Affairs and Communications without delay. The same shall apply when the

person has made any changes to such matters.

- (3) A fire chief or fire station chief, where he/she finds that a fire defense organization for self-protection as set forth in paragraph (1) has not been set up, may order the person who has the title set forth in said paragraph to set up a fire defense organization for self-protection pursuant to the provision of said paragraph.
- (4) The provisions of Article 5, paragraph (3) and paragraph (4) shall apply mutatis mutandis to an order under the provision of the preceding paragraph.

Article 8-3 (1) Goods under the flame retardancy requirement to be used in a high-rise building or an underground mall or a theater, cabaret, hotel, hospital or any other property under fire prevention measures specified by Cabinet Order (meaning stage curtains and other curtains, plywood for display and other similar goods specified by Cabinet Order; the same shall apply hereinafter) shall be flame retardant to a level which satisfies or exceeds the standards specified by Cabinet Order.

- (2) With regard to goods under the flame retardancy requirement or materials thereof which are flame retardant as set forth in the preceding paragraph (hereinafter referred to as "flame retardant goods"), a label stating that the respective goods are flame retardant as set forth in said paragraph may be affixed to the goods, as provided for by Ordinance of the Ministry of Internal Affairs and Communications.
- (3) Except in cases when affixing a label pursuant to the provision of the preceding paragraph and when affixing a label relating to the flame retardancy of goods under the flame retardancy requirement or materials thereof, which is specified by Ordinance of the Ministry of Internal Affairs and Communications, pursuant to the provisions of the Industrial Standardization Act (Act No. 185 of 1949) or other Acts specified by Cabinet Order (such label shall hereinafter be referred to as a "designated label"), no person shall affix a label set forth in said paragraph or any confusingly similar label to goods under the flame retardancy requirement or materials thereof.
- (4) No goods under the flame retardancy requirement or materials thereof shall be sold or displayed for sale as flame retardant goods unless a label set forth in paragraph (2) or a designated label is affixed to them.
- (5) When the person concerned with the property under fire prevention measures set forth in paragraph (1) has had a third party treat goods under the flame retardancy requirement, which are to be used within said property under fire prevention measures, so that said goods under the flame retardancy requirement or materials thereof will be flame retardant as set forth in said paragraph, or has had a third party make curtains or other goods under the flame retardancy requirement by using cloth or other materials to which a

label set forth in paragraph (2) or a designated label is affixed, he/she shall clearly indicate such fact as provided for by Ordinance of the Ministry of Internal Affairs and Communications.

Article 9 The matters necessary for prevention of fire with regard to the position, structure and management of fixed cooking stoves, bath heaters and other equipment which uses fire or equipment which might pose a fire risk when used, the handling of kitchen ranges, kotatsu [a heater consisting of a low table with a heat source underneath, covered with a heavy blanket] and other appliances which use fire or appliances which might pose a fire risk when used, and other cases of the use of fire shall be specified by municipal ordinance in accordance with the standards specified by Cabinet Order.

Article 9-2 (1) A person concerned with a property under fire prevention measures to be used for a residential purpose (in the case of a property under fire prevention measures which is partially used for purposes other than a residential purpose, excluding the part to be used for such purposes other than a residential purpose; hereinafter referred to as a "residence" in this Article) shall install and maintain a disaster prevention device for a residence (meaning a machine, tool or equipment useful for the prevention of fire in a residence, which is specified by Cabinet Order; hereinafter the same shall apply in this Article) in accordance with the standards for installation and maintenance of disaster prevention devices for residences under the provision of the following paragraph.

(2) The standards for the installation and maintenance of fire prevention devices for residences and other matters necessary for prevention of fire at a residence shall be specified by municipal ordinance in accordance with the standards specified by Cabinet Order.

Article 9-3 (1) A person who stores or handles compressed acetylene gas, liquefied petroleum gas or any other substance which is likely to seriously hinder fire prevention or fire extinguishing activities and is specified by Cabinet Order shall notify the competent fire chief or fire station chief to that effect in advance; provided, however, that this shall not apply in cases where such substance is stored or handled by means of a ship, automobile, aircraft, railway or tramway or in other cases specified by Cabinet Order.

(2) The provision of the preceding paragraph shall apply mutatis mutandis where the storage or handling set forth in said paragraph is discontinued.

Article 9-4 (1) The technical standards for the storage and handling of hazardous materials less than the quantity designated by Cabinet Order taking into

consideration the dangerousness of the hazardous materials (hereinafter referred to as the "designated quantity"), and of straw products, wood-wool and other goods designated by Cabinet Order as goods which will, once having caught fire, lead to the quick spread of the fire or make it extremely difficult to carry out fire extinguishing activities; (hereinafter referred to as "designated flammable goods") or other goods similar to designated flammable goods, shall be specified by municipal ordinance.

- (2) The technical standards for the position, structure and equipment of facilities where hazardous materials less than the designated quantity, designated flammable goods or other goods similar to designated flammable goods are stored or handled (excluding the technical standards for fire defense equipment, etc. set forth in Article 17, paragraph (1)) shall be specified by municipal ordinance.

Chapter III Hazardous Materials

Article 10 (1) Hazardous materials of the designated quantity or a larger quantity shall not be stored at facilities other than a storage facility (including a storage facility for storing or handling hazardous materials by means of a tank mounted on a vehicle (hereinafter referred to as a "mobile tank storage facility"); the same shall apply hereinafter), nor shall they be handled at facilities other than a manufacturing facility, storage facility and handling facility; provided, however, that this shall not apply where the designated quantity or a larger quantity of hazardous materials are stored or handled temporarily for not more than ten days with the approval of the competent fire chief or fire station chief.

- (2) When storing or handling, at the same facility, two or more types of hazardous materials which are categorized by different material names as listed in Appended Table 1 (simply referred to as "names of materials" in Article 11-4, paragraph (1)) or for which different quantities are designated, if the sum of the quotients obtained by dividing the quantities of these types of hazardous materials stored or handled at said facility by the designated quantities for respective types of hazardous materials equals or exceeds one, such facility shall be deemed to be storing or handling the designated quantity or a larger quantity of hazardous materials.
- (3) The storage or handling of hazardous materials to be conducted at a manufacturing facility, storage facility or handling facility shall be conducted in accordance with the technical standards specified by Cabinet Order.
- (4) The technical standards for the position, structure and equipment of a manufacturing facility, storage facility and handling facility shall be specified by Cabinet Order.

Article 11 (1) A person who intends to establish a manufacturing facility, storage facility or handling facility shall, as provided for by Cabinet Order, obtain permission for each manufacturing facility, storage facility or handling facility from the person specified in each of the following items according to the categories of manufacturing facility, storage facility or handling facility listed in the respective items. The same shall apply to a person who intends to change the position, structure or equipment of a manufacturing facility, storage facility or handling facility:

- (i) a manufacturing facility, storage facility or handling facility (excluding a facility for handling transfer of hazardous materials through piping, as specified by Cabinet Order (hereinafter referred to as a "handling facility for transfer")) to be established in the area of a municipality which has fire defense headquarters and a fire station(s) (referred to as a "municipality with fire defense headquarters, etc." in the following item and item (iii)): the municipal mayor;
 - (ii) a manufacturing facility, storage facility or handling facility (excluding a handling facility for transfer) to be established in the area of a municipality other than a municipality with fire defense headquarters, etc.: the prefectural governor who has jurisdiction over said area;
 - (iii) a handling facility for transfer to be established in the area of a single municipality with fire defense headquarters, etc.: the municipal mayor; or
 - (iv) a handling facility for transfer other than the one set forth in the preceding item: the prefectural governor who has jurisdiction over the area where the handling facility for transfer is to be established (or the Minister of Internal Affairs and Communications in cases where the handling facility for transfer is to be established over the areas of two or more prefectures).
- (2) The municipal mayor, prefectural governor or Minister of Internal Affairs and Communications specified in each of the items of the preceding paragraph according to the categories of manufacturing facility, storage facility or handling facility listed in the respective items (hereinafter referred to as the "municipal mayor, etc." in this Chapter and the following Chapter) shall, upon application for permission under the provision of said paragraph, grant permission if the position, structure and equipment of the manufacturing facility, storage facility or handling facility conform to the technical standards set forth in paragraph (4) of the preceding Article and the storage or handling of hazardous materials to be conducted at the manufacturing facility, storage facility or handling facility is unlikely to hinder the maintenance of public safety or the prevention of the occurrence of disasters.
- (3) The Minister of Internal Affairs and Communications, when he/she intends to grant permission under the provision of paragraph (1), item (iv) with regard to

a handling facility for transfer, shall give notice to the relevant prefectural governors to that effect. In this case, the relevant prefectural governors may state their opinions to the Minister of Internal Affairs and Communications concerning said permission.

- (4) With regard to the permission under the provision of paragraph (1), item (iv) for a handling facility for transfer, the relevant municipal mayors may state their opinions to the prefectural governor or the Minister of Internal Affairs and Communications.
- (5) When a person who obtained permission under the provision of paragraph (1) has established a manufacturing facility, storage facility or handling facility or changed the position, structure or equipment of a manufacturing facility, storage facility or handling facility, he/she shall not use the manufacturing facility, storage facility or handling facility until after the respective facility has undergone a completion inspection conducted by the municipal mayor, etc. and is judged to conform to the technical standards set forth in paragraph (4) of the preceding Article; provided, however, that in cases where such person changes the position, structure or equipment of a manufacturing facility, storage facility or handling facility, if he/she has obtained approval from the municipal mayor, etc., in whole or in part, for the manufacturing facility, storage facility or handling facility other than the part pertaining to the construction work for making the change, he/she may provisionally use the approved part even before undergoing a completion inspection.
- (6) In the event of an assignment or transfer of a manufacturing facility, storage facility or handling facility, the assignee or transferee shall succeed to the status of the person who obtained permission under the provision of paragraph (1). In this case, the person who has succeeded to the status of the person who obtained permission under the provision of said paragraph shall notify the municipal mayor, etc. to that effect without delay.
- (7) When a municipal mayor, etc. has granted permission under the provision of paragraph (1) (excluding permission to be granted under the provision of the second sentence of said paragraph for minor matters specified by Ordinance of the Ministry of Internal Affairs and Communications) for a manufacturing facility, storage facility or handling facility specified by Cabinet Order, he/she shall, as provided for by Cabinet Order, report to the National Public Safety Commission or the prefectural public safety commission or the Commandant of the Japan Coast Guard to that effect.

Article 11-2 (1) A person who has obtained permission under the provision of paragraph (1) of the preceding Article for the establishment of a manufacturing facility, storage facility or handling facility specified by Cabinet Order or for a change to the position, structure or equipment thereof shall, with regard to the

construction work specified by Cabinet Order for which the permission has been granted, undergo an inspection conducted by a municipal mayor, etc. for each construction process specified by Cabinet Order, in terms of whether or not the matters concerning the structure or equipment of said manufacturing facility, storage facility or handling facility, as specified by Cabinet Order (hereinafter referred to as the "specified matters" in this Article and the following Article), conform to the technical standards set forth in Article 10, paragraph (4), before undergoing a completion inspection as set forth in paragraph (5) of the preceding Article.

- (2) Until after the specified matters are judged to conform to the technical standards set forth in Article 10, paragraph (4) in the inspection set forth in the preceding paragraph, the person prescribed in the preceding paragraph shall not undergo a completion inspection as set forth in paragraph (5) of the preceding Article with regard to the construction work for establishing the manufacturing facility, storage facility or handling facility pertaining to said specified matters or for changing the position, structure or equipment thereof.
- (3) When the person prescribed in paragraph (1) undergoes a completion inspection as set forth in paragraph (5) of the preceding Article with regard to the construction work for establishing the manufacturing facility, storage facility or handling facility pertaining to the specified matters which have been judged in the inspection set forth in paragraph (1) to conform to the technical standards set forth in Article 10, paragraph (4) or for changing the position, structure or equipment thereof, he/she shall not be required to undergo a completion inspection as set forth in paragraph (5) of the preceding Article with regard to said specified matters.

Article 11-3 In the cases listed in the following items, a municipal mayor, etc. may entrust the matters specified in the respective items to the Hazardous Materials Safety Techniques Association (Kikenbutsu Hoangijutsu Kyokai, KHK) (referred to as the "Association" in Article 14-3, paragraph (3)):

- (i) in the case referred to in Article 11, paragraph (2), where the storage facility for which an application for permission is filed under the provision of paragraph (1) of said Article is an outdoor tank storage facility (meaning a storage facility which stores or handles hazardous materials by means of a tank situated outdoors; the same shall apply hereinafter) specified by Cabinet Order: an examination in terms of whether or not the matters concerning the structure or equipment of the outdoor tank storage facility, as specified by Cabinet Order, conform to the technical standards set forth in Article 10, paragraph (4); and
- (ii) in the case referred to in paragraph (1) of the preceding Article, where the storage facility set forth in said paragraph is an outdoor tank storage facility

as specified by Cabinet Order: an examination in terms of whether or not the specified matters pertaining to the outdoor tank storage facility which are specified by Cabinet Order conform to the technical standards set forth in Article 10, paragraph (4).

Article 11-4 (1) A person who intends, without changing the position, structure or equipment of a manufacturing facility, storage facility or handling facility, to change the name, quantity or multiple of the designated quantity of the hazardous materials stored or handled at the manufacturing facility, storage facility or handling facility (the multiple of the designated quantity means the value obtained by dividing the quantity of the hazardous materials stored or handled at the manufacturing facility, storage facility or handling facility by the designated quantity of said hazardous materials (in cases when storing or handling two or more types of hazardous materials which are categorized by different names of materials or for which different designated quantities are designated, the sum of the values obtained by dividing the quantities of these types of hazardous materials stored or handled by the designated quantities of the respective types of hazardous materials)), shall notify the municipal mayor, etc. to that effect no later than ten days prior to the day on which the change is scheduled.

(2) In the case referred to in the preceding paragraph, among the hazardous materials listed in the Name of Materials column of Appended Table 1, those which are referred to in Type 1, item (xi), Type 2, item (viii), Type 3, item (xii), Type 5, item (xi), or Type 6, item (v) of said table shall be deemed to be hazardous materials that have different names if said materials contain several types of materials that have different names as set forth in the Name of Materials column.

(3) The provision of Article 11, paragraph (7) shall apply mutatis mutandis where a notification under paragraph (1) is made with regard to a manufacturing facility, storage facility or handling facility as prescribed in Article 11, paragraph (7).

Article 11-5 (1) When a municipal mayor, etc. finds that the storage or handling of hazardous materials conducted at a manufacturing facility, storage facility (excluding a mobile tank storage facility) or handling facility is in violation of the provision of Article 10, paragraph (3), he/she may order the owner, manager or possessor of the manufacturing facility, storage facility or handling facility to store or handle hazardous materials in accordance with the technical standards set forth in said paragraph.

(2) A municipal mayor (in the area of a municipality other than a municipality which has fire defense headquarters and a fire station(s), the prefectural

governor who has jurisdiction over said area; the same shall apply in the following paragraph and paragraph (4)) may, in the same manner as that prescribed in the preceding paragraph, order that the storage or handling of hazardous materials at a mobile tank storage facility located in the area under his/her jurisdiction should be conducted in accordance with the technical standards set forth in Article 10, paragraph (3).

- (3) When a municipal mayor has issued an order under the provision of the preceding paragraph, he/she shall promptly give notice to that effect, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, to the municipal mayor, etc. who granted permission under the provision of Article 11, paragraph (1) for the mobile tank storage facility to which the order has been issued.
- (4) Where a municipal mayor, etc. or municipal mayor has issued an order under the provisions of paragraph (1) or paragraph (2) respectively, he/she shall give public notice to that effect by posting a sign or by other methods specified by Ordinance of the Ministry of Internal Affairs and Communications.
- (5) The sign set forth in the preceding paragraph may be posted at the manufacturing facility, storage facility or handling facility for which an order is issued under the provisions of paragraph (1) or paragraph (2). In this case, the owner, manager or possessor of the manufacturing facility, storage facility or handling facility for which an order is issued under the provisions of paragraph (1) or paragraph (2) shall not refuse or obstruct posting of the sign.

Article 12 (1) The owner, manager or possessor of a manufacturing facility, storage facility or handling facility shall maintain the manufacturing facility, storage facility or handling facility so that the position, structure and equipment of the facility conform to the technical standards set forth in Article 10, paragraph (4).

- (2) When a municipal mayor, etc. finds that the position, structure and equipment of a manufacturing facility, storage facility or handling facility fail to conform to the technical standards set forth in Article 10, paragraph (4), he/she may order the owner, manager or possessor of the manufacturing facility, storage facility or handling facility who holds title to repair, modify or relocate the facility so as to conform to the technical standards set forth in said paragraph.
- (3) The provisions of paragraph (4) and paragraph (5) of the preceding Article shall apply mutatis mutandis to an order under the provision of the preceding paragraph.

Article 12-2 (1) When the owner, manager or possessor of a manufacturing facility, storage facility or handling facility falls under any of the following

items, a municipal mayor, etc. may rescind the permission granted under Article 11, paragraph (1) for the manufacturing facility, storage facility or handling facility or specify a time period and suspend the use of the facility for such period:

- (i) where the owner, manager or possessor has changed the position, structure or equipment of the manufacturing facility, storage facility or handling facility without obtaining permission under the provision of the second sentence of Article 11, paragraph (1);
 - (ii) where the owner, manager or possessor has used the manufacturing facility, storage facility or handling facility in violation of the provision of Article 11, paragraph (5);
 - (iii) where the owner, manager or possessor has violated an order under the provision of paragraph (2) of the preceding Article;
 - (iv) where the owner, manager or possessor has violated the provisions of Article 14-3, paragraph (1) or paragraph (2); or
 - (v) where the owner, manager or possessor has violated the provision of Article 14-3-2.
- (2) When the owner, manager or possessor of a manufacturing facility, storage facility or handling facility falls under any of the following items, a municipal mayor, etc. may specify a time period and suspend the use of the manufacturing facility, storage facility or handling facility for such period:
- (i) where the owner, manager or possessor has violated an order under the provisions of Article 11-5, paragraph (1) or paragraph (2);
 - (ii) where the owner, manager or possessor has violated the provision of Article 12-7, paragraph (1);
 - (iii) where the owner, manager or possessor has violated the provision of Article 13, paragraph (1); or
 - (iv) where the owner, manager or possessor has violated an order under the provision of Article 13-24, paragraph (1).
- (3) The provisions of Article 11-5, paragraph (4) and paragraph (5) shall apply mutatis mutandis to an order under the provisions of the preceding two paragraphs.

Article 12-3 (1) When a municipal mayor, etc. finds that it is urgently necessary in order to maintain public safety or prevent the occurrence of disasters, he/she may order the owner, manager or possessor of a manufacturing facility, storage facility or handling facility to suspend temporarily the use of the manufacturing facility, storage facility or handling facility or may restrict the use of the facility.

(2) The provisions of Article 11-5, paragraph (4) and paragraph (5) shall apply mutatis mutandis to an order under the provision of the preceding paragraph.

Article 12-4 (1) When the relevant municipal mayor finds that there is a risk of a disaster occurring in relation to the establishment or maintenance of a handling facility for transfer for which permission has been granted under the provision of Article 11, paragraph (1), item (iv) by a prefectural governor or the Minister of Internal Affairs and Communications (hereinafter referred to as "prefectural governor, etc." in this Article) or the handling of hazardous materials at such handling facility for transfer, he/she may request said prefectural governor, etc. to take necessary measures.

(2) The prefectural governor, etc., at the request set forth in paragraph (1) of the preceding Article, shall conduct the necessary investigation, and shall take the measures specified under the provisions of Article 11-5, paragraph (1), Article 12, paragraph (2) or the preceding Article or any other necessary measures if he/she finds it necessary based on the investigation results.

(3) The prefectural governor, etc., when he/she has taken the measures set forth in the preceding paragraph, shall promptly give notice to the relevant municipal mayors to that effect.

Article 12-5 The owner, manager or possessor of a handling facility for transfer specified by Cabinet Order shall consult with the relevant municipal mayor(s) in advance with regard to the emergency measures to be taken in the event that an outflow of hazardous materials or any other accident occurs and causes a dangerous situation at said handling facility.

Article 12-6 When the owner, manager or possessor of a manufacturing facility, storage facility or handling facility has discontinued the use of the manufacturing facility, storage facility or handling facility for its intended purpose, he/she shall notify the municipal mayor, etc. to that effect without delay.

Article 12-7 (1) A person who owns, manages or possesses, at the same place of business, manufacturing facilities, storage facilities or handling facilities as specified by Cabinet Order and who stores or handles hazardous materials of the quantity specified by Cabinet Order or a larger quantity shall, as provided for by Cabinet Order, appoint a hazardous materials safety supervising manager and have him/her supervise and manage the operations for ensuring the safety of hazardous materials at said place of business.

(2) When a person who owns, manages or possesses manufacturing facilities, storage facilities or handling facilities has appointed a hazardous materials safety supervising manager pursuant to the provision of the preceding paragraph, he/she shall notify the municipal mayor, etc. to that effect without

delay. The same shall apply when such person has dismissed the hazardous materials safety supervising manager.

- Article 13 (1) The owner, manager or possessor of a manufacturing facility, storage facility or handling facility specified by Cabinet Order shall appoint a hazardous materials security superintendent from among Class A hazardous materials engineers (meaning persons who have obtained a Class A hazardous materials engineer's license; the same shall apply hereinafter) or Class B hazardous materials engineers (meaning persons who have obtained a Class B hazardous materials engineer's license; the same shall apply hereinafter) who have had work experience in handling hazardous materials for at least six months, and have him/her supervise the safety of the handling of the hazardous materials that he/she is qualified to handle, as provided for by Ordinance of the Ministry of Internal Affairs and Communications.
- (2) When the owner, manager or possessor of a manufacturing facility, storage facility or handling facility has appointed a hazardous materials security superintendent pursuant to the provision of the preceding paragraph, he/she shall notify the municipal mayor, etc. to that effect without delay. The same shall apply when he/she has dismissed the hazardous materials security superintendent.
- (3) At a manufacturing facility, storage facility or handling facility, a person other than a hazardous materials engineer (meaning a person who has obtained a hazardous materials engineer's license; the same shall apply hereinafter) shall not handle hazardous materials without the attendance of a Class A hazardous materials engineer or Class B hazardous materials engineer.

- Article 13-2 (1) The types of hazardous materials engineer's license shall be a Class A hazardous materials engineer's license, Class B hazardous materials engineer's license, and Class C hazardous materials engineer's license.
- (2) The types of hazardous materials that a hazardous materials engineer is qualified to handle and of hazardous materials which a Class A hazardous materials engineer or a Class B hazardous materials engineer is qualified to observe the handling shall be specified by Ordinance of the Ministry of Internal Affairs and Communications according to the types of hazardous materials engineer's licenses prescribed in the preceding paragraph.
- (3) A hazardous materials engineer's license shall be issued by a prefectural governor to a person who has passed a hazardous materials engineer's qualification examination.
- (4) A prefectural governor may choose not to issue a hazardous materials engineer's license to a person who falls under any of the following items:
- (i) a person who was ordered to return a hazardous materials engineer's license

- pursuant to the provision of the following paragraph, where a period of one year has not elapsed from the day on which he/she was thus ordered; or
- (ii) a person who was sentenced to a fine or severer punishment for violating the provisions of this Act or orders under this Act, where a period of two years has not elapsed from the day on which the execution of the sentence was completed or he/she became free from the execution of the sentence.
- (5) If a hazardous materials engineer is in violation of the provisions of this Act or orders under this Act, the prefectural governor who has issued a hazardous materials engineer's license to him/her may order him/her to return the hazardous materials engineer's license.
- (6) When a prefectural governor finds, within the area under his/her jurisdiction, that any hazardous materials engineer who has obtained a hazardous materials engineer's license from another prefectural governor is in violation of the provisions of this Act or orders under this Act, he/she shall give notice to such other prefectural governor to that effect.
- (7) In addition to what is prescribed in each of the preceding paragraphs, the revision or reissuance of a hazardous materials engineer's license and any other necessary matters concerning a hazardous materials engineer's license shall be prescribed by Cabinet Order.

Article 13-3 (1) A hazardous materials engineer's qualification examination shall be conducted to assess the knowledge and skills necessary for ensuring the safety of the handling of hazardous materials.

- (2) The types of hazardous materials engineer's qualification examination shall be a Class A hazardous materials engineer's qualification examination, Class B hazardous materials engineer's qualification examination, and Class C hazardous materials engineer's qualification examination.
- (3) A hazardous materials engineer's qualification examination shall be conducted by a prefectural governor at least once a year for each type of hazardous materials engineer's qualification examination prescribed in the preceding paragraph.
- (4) A person who falls under any of the following items may take a Class A hazardous materials engineer's qualification examination:
- (i) a person who has graduated from a university or college of technology under the School Education Act (Act No. 26 of 1947) by completing a major or program in chemistry or a person specified by Ordinance of the Ministry of Internal Affairs and Communications as being equivalent to such person; or
 - (ii) a person who has had work experience in handling hazardous materials for at least two years after obtaining a Class B hazardous materials engineer's license.
- (5) In addition to what is prescribed in each of the preceding paragraphs, the

subjects of a hazardous materials engineer's qualification examination, procedure for taking the qualification examination and other details concerning the implementation of the qualification examination shall be specified by Ordinance of the Ministry of Internal Affairs and Communications.

Article 13-4 (1) A prefecture may, by prefectural ordinance, appoint examiners for a hazardous materials engineer's qualification examination in order to have them prepare questions for a hazardous materials engineer's qualification examination, mark examination papers and conduct other relevant affairs.

(2) The organization and the term of office of examiners for a hazardous materials engineer's qualification examination as prescribed in the preceding paragraph, and other necessary matters concerning examiners for a hazardous materials engineer's qualification examination shall be prescribed by said prefectural ordinance.

Article 13-5 (1) A prefectural governor may entrust a person designated by the Minister of Internal Affairs and Communications to conduct the affairs concerning the implementation of a hazardous materials engineer's qualification examination (hereinafter referred to as the "hazardous materials engineer's qualification examination affairs" in this Chapter).

(2) The designation under the provision of the preceding paragraph shall be made upon an application from a person who intends to conduct the hazardous materials engineer's qualification examination affairs.

(3) When a prefectural governor has a person designated by the Minister of Internal Affairs and Communications conduct the hazardous materials engineer's qualification examination affairs pursuant to the provision of paragraph (1), he/she shall not conduct the hazardous materials engineer's qualification examination affairs.

Article 13-6 (1) The Minister of Internal Affairs and Communications shall not make a designation under the provision of paragraph (1) of the preceding Article unless he/she finds that the application filed under the provision of paragraph (2) of said Article satisfies the following requirements:

(i) the applicant's plan for the implementation of the hazardous materials engineer's qualification examination affairs, which covers personnel, equipment, the method of conducting the hazardous materials engineer's qualification examination affairs and other matters, is appropriate for proper and reliable implementation of the hazardous materials engineer's qualification examination affairs;

(ii) the applicant has the financial and technical basis necessary for properly and reliably implementing the plan for the implementation of the hazardous

materials engineer's qualification examination affairs set forth in the preceding item; and

(iii) where the applicant is engaged in a business other than conducting the hazardous materials engineer's qualification examination affairs, it is unlikely that the applicant will conduct the hazardous materials engineer's qualification examination affairs unfairly due to carrying out such other business.

(2) The Minister of Internal Affairs and Communications shall not make a designation under the provision of paragraph (1) of the preceding Article if the person who has filed an application under the provision of paragraph (2) of said Article falls under any of the following:

(i) the person is neither a general incorporated association nor a general incorporated foundation;

(ii) the person was sentenced to a punishment for violating this Act, where a period of two years has not elapsed from the day on which the execution of the sentence was completed or such person became free from the execution of the sentence;

(iii) the person's designation was rescinded pursuant to the provisions of Article 13-18, paragraph (1) or paragraph (2), where a period of two years has not elapsed from the date of the rescission; or

(iv) any of the officers of the person falls under any of the following:

(a) a person who falls under item (ii); or

(b) a person who was dismissed by an order under the provision of Article 13-9, paragraph (2), where a period of two years has not elapsed from the date of the dismissal.

Article 13-7 (1) The Minister of Internal Affairs and Communications, when he/she has made a designation under the provision of Article 13-5, paragraph (1), shall give public notice of the name of the person designated and the location of the principal office thereof as well as the date of the designation.

(2) When a person designated under the provision of Article 13-5, paragraph (1) (hereinafter referred to as a "designated examining body" in this Chapter) intends to change its name or the location of its principal office, the person shall notify the Minister of Internal Affairs and Communications to that effect no later than two weeks prior to the day on which the change is scheduled.

(3) When a notification is made under the provision of the preceding paragraph, the Minister of Internal Affairs and Communications shall give public notice to that effect.

Article 13-8 (1) A prefectural governor who has decided to entrust a designated examining body to conduct his/her hazardous materials engineer's qualification

examination affairs pursuant to the provision of Article 13-5, paragraph (1) (hereinafter referred to as an "entrusting prefectural governor") shall report to the Minister of Internal Affairs and Communications to that effect and give public notice of the name of the designated examining body, the location of its principal office and the location of its office where the hazardous materials engineer's qualification examination affairs are to be handled, as well as the date on which he/she came to entrust the designated examining body to conduct the hazardous materials engineer's qualification examination affairs.

- (2) When a designated examining body intends to change its name, the location of its principal office or the location of its office where the hazardous materials engineer's qualification examination affairs are handled, it shall notify the entrusting prefectural governor (in the case of the location of the office where the hazardous materials engineer's qualification examination affairs are handled, the relevant entrusting prefectural governor) no later than two weeks prior to the day on which the change is scheduled.
- (3) When a notification is made under the provision of the preceding paragraph, the entrusting prefectural governor shall give public notice to that effect.

Article 13-9 (1) The appointment and dismissal of an officer of a designated examining body shall not be effective unless authorized by the Minister of Internal Affairs and Communications.

- (2) When an officer of a designated examining body has committed an act in violation of this Act (including orders or dispositions under this Act) or the qualification examination affairs rules set forth in Article 13-12, paragraph (1) or committed an extremely inappropriate act concerning the hazardous materials engineer's qualification examination affairs, the Minister of Internal Affairs and Communications may order the designated examining body to dismiss such officer.

Article 13-10 (1) A designated examining body shall appoint examiners for a hazardous materials engineer's qualification examination from among those persons who satisfy the requirements specified by Ordinance of the Ministry of Internal Affairs and Communications, and have them prepare questions for the qualification examination and mark examination papers.

- (2) When a designated examining body has appointed or dismissed an examiner for a hazardous materials engineer's qualification examination as set forth in the preceding paragraph, it shall notify the Minister of Internal Affairs and Communications to that effect without delay.
- (3) The provision of paragraph (2) of the preceding Article shall apply mutatis mutandis to the dismissal of an examiner for a hazardous materials engineer's qualification examination as set forth in paragraph (1).

Article 13-11 (1) Persons who are officers or employees of a designated examining body (including examiners for a hazardous materials engineer's qualification examination as set forth in paragraph (1) of the preceding Article; the same shall apply in the following paragraph) or those who have held these posts may not divulge any secrets that they have come to know in connection with the hazardous materials engineer's qualification examination affairs.

(2) With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, officers and employees of a designated examining body who are engaged in the hazardous materials engineer's qualification examination affairs shall be deemed to be personnel engaged in public service under laws and regulations.

Article 13-12 (1) A designated examining body shall establish qualification examination affairs rules with regard to the affairs concerning the implementation of the hazardous materials engineer's qualification examination affairs specified by Ordinance of the Ministry of Internal Affairs and Communications, and obtain authorization from the Minister of Internal Affairs and Communications. The same shall apply when a designated examining body intends to revise the rules.

(2) A designated examining body shall hear opinions from the entrusting prefectural governor when it intends to revise its qualification examination affairs rules pursuant to the provision of the second sentence of the preceding paragraph.

(3) When the Minister of Internal Affairs and Communications finds that the qualification examination affairs rules for which he/she granted authorization under the provision of paragraph (1) have become inappropriate for proper and reliable implementation of the hazardous materials engineer's qualification examination affairs, he/she may order the designated examining body to revise the rules.

Article 13-13 (1) A designated examining body shall prepare a business plan and an income and expenditure budget for each business year, and obtain authorization from the Minister of Internal Affairs and Communications prior to the commencement of the business year (or without delay after obtaining a designation under the provision of Article 13-5, paragraph (1) in the case of the business year containing the date of the designation). The same shall apply when the designated examining body intends to revise the plan and budget.

(2) A designated examining body shall hear opinions from the entrusting prefectural governor when it intends to prepare or revise a business plan and an income and expenditure budget.

(3) A designated examining body shall prepare a business report and a statement of income and expenditure for each business year, and submit them to the Minister of Internal Affairs and Communications and the entrusting prefectural governor within three months after the end of the business year.

Article 13-14 A designated examining body shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, keep books stating the matters concerning the hazardous materials engineer's qualification examination affairs specified by Ordinance of the Ministry of Internal Affairs and Communications, and preserve such books.

Article 13-15 (1) When the Minister of Internal Affairs and Communications finds it necessary in order to ensure proper implementation of the hazardous materials engineer's qualification examination affairs, he/she may issue an order necessary for the supervision of the hazardous materials engineer's qualification examination affairs to a designated examining body.

(2) When an entrusting prefectural governor finds it necessary in order to ensure the proper implementation of the hazardous materials engineer's qualification examination affairs that he/she has entrusted to a designated examining body, he/she may instruct the designated examining body to take the necessary measures for proper implementation of the hazardous materials engineer's qualification examination affairs.

Article 13-16 (1) When the Minister of Internal Affairs and Communications finds it necessary in order to ensure proper implementation of the hazardous materials engineer's qualification examination affairs, he/she may request a designated examining body to make necessary reports on the status of the hazardous materials engineer's qualification examination affairs or have his/her official enter the designated examining body's office and inspect the status of the hazardous materials engineer's qualification examination affairs or its equipment, books, documents and other objects.

(2) When an entrusting prefectural governor finds it necessary in order to ensure proper implementation of the hazardous materials engineer's qualification examination affairs that he/she has entrusted to a designated examining body, he/she may request the designated examining body to make necessary reports on the status of the hazardous materials engineer's qualification examination affairs or have his/her official enter the designated examining body's office where the hazardous materials engineer's qualification examination affairs are handled and inspect the status of the hazardous materials engineer's qualification examination affairs or its equipment, books, documents and other objects.

- (3) An official who conducts an on-site inspection under the provisions of the preceding two paragraphs shall carry his/her identification card and present it when requested to do so by any relevant person.
- (4) The authority to conduct an on-site inspection pursuant to the provisions of paragraph (1) or paragraph (2) shall not be construed to be vested for the purpose of crime investigation.

Article 13-17 (1) A designated examining body shall not suspend or abolish the whole or part of the hazardous materials engineer's qualification examination affairs, without the permission of the Minister of Internal Affairs and Communications.

- (2) The Minister of Internal Affairs and Communications shall not grant permission under the provision of the preceding paragraph unless he/she finds that it is unlikely that proper and reliable implementation of the hazardous materials engineer's qualification examination affairs will be damaged when the designated examining body suspends or abolishes the whole or part of the hazardous materials engineer's qualification examination affairs.
- (3) The Minister of Internal Affairs and Communications shall hear opinions from the relevant entrusting prefectural governor when he/she intends to grant permission under the provision of paragraph (1).
- (4) The Minister of Internal Affairs and Communications, when he/she has granted permission under the provision of paragraph (1), shall give notice to the relevant entrusting prefectural governor and also give public notice to that effect.

Article 13-18 (1) When a designated examining body has come to fall under any of the items of Article 13-6, paragraph (2) (excluding item (iii)), the Minister of Internal Affairs and Communications shall rescind its designation.

- (2) When a designated examining body falls under any of the following, the Minister of Internal Affairs and Communications shall rescind its designation or specify a time period and order it to suspend the whole or part of the hazardous materials engineer's qualification examination affairs:
 - (i) when the designated examining body is found to no longer satisfy the requirements set forth in the items of Article 13-6, paragraph (1);
 - (ii) when the designated examining body has violated the provisions of Article 13-10, paragraph (1), Article 13-13, paragraph (1) or paragraph (3), Article 13-14, or paragraph (1) of the preceding Article;
 - (iii) when the designated examining body has violated an order under the provisions of Article 13-9, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 13-10, paragraph (3)), Article 13-12, paragraph (3) or Article 13-15, paragraph (1);

- (iv) when the designated examining body has conducted the hazardous materials engineer's qualification examination affairs not complying with the qualification examination affairs rules authorized under the provision of Article 13-12, paragraph (1); or
 - (v) when the designated examining body has obtained a designation under the provision of Article 13-5, paragraph (1) by wrongful means.
- (3) When the Minister of Internal Affairs and Communications has rescinded a designation pursuant to the provisions of the preceding two paragraphs or ordered the suspension of the whole or part of the hazardous materials engineer's qualification examination affairs pursuant to the provision of the preceding paragraph, he/she shall give notice to the relevant entrusting prefectural governor and also give public notice to that effect.

Article 13-19 (1) When an entrusting prefectural governor intends to terminate the entrustment of the hazardous materials engineer's qualification examination affairs to a designated examining body, he/she shall give notice to the designated examining body to that effect no later than three months prior to the termination.

- (2) An entrusting prefectural governor, when he/she has terminated the entrustment of the hazardous materials engineer's qualification examination affairs to a designated examining body, shall report to the Minister of Internal Affairs and Communications and give public notice to that effect.

Article 13-20 (1) Notwithstanding the provision of Article 13-5, paragraph (3), an entrusting prefectural governor shall conduct the whole or part of the hazardous materials engineer's qualification examination affairs in cases where the designated examining body has suspended the whole or part of the hazardous materials engineer's qualification examination affairs under the provision of Article 13-17, paragraph (1), where the Minister of Internal Affairs and Communications has ordered the designated examining body to suspend the whole or part of the hazardous materials engineer's qualification examination affairs pursuant to the provision of Article 13-18, paragraph (2), or where the Minister of Internal Affairs and Communications finds it necessary on the grounds that it has become difficult for the designated examining body to conduct the whole or part of the hazardous materials engineer's qualification examination affairs due to a natural disaster or for other reasons.

- (2) When an entrusting prefectural governor is required to conduct the hazardous materials engineer's qualification examination affairs pursuant to the provision of the preceding paragraph or when the grounds for requiring an entrusting prefectural governor to conduct the hazardous materials engineer's

qualification examination affairs pursuant to the provision of said paragraph have ceased to exist, the Minister of Internal Affairs and Communications shall promptly notify said entrusting prefectural governor to that effect.

- (3) An entrusting prefectural governor, when he/she has received notice under the examining body provision of the preceding paragraph, shall give public notice to that effect.

Article 13-21 The takeover of the hazardous materials engineer's qualification examination affairs and other necessary matters concerning the cases where an entrusting prefectural governor is required to conduct the hazardous materials engineer's qualification examination affairs pursuant to the provision of paragraph (1) of the preceding Article, where the Minister of Internal Affairs and Communications has permitted the abolition of the hazardous materials engineer's qualification examination affairs pursuant to the provision of Article 13-17, paragraph (1) or rescinded the designation pursuant to the provisions of Article 13-18, paragraph (1) or paragraph (2) or where an entrusting prefectural governor has terminated the entrustment of the hazardous materials engineer's qualification examination affairs to a designated examining body, shall be prescribed by Ordinance of the Ministry of Internal Affairs and Communications.

Article 13-22 A application for examination under the Administrative Appeal Act may be filed with the Minister of Internal Affairs and Communications against a disposition made by a designated examining body or its inaction with regard to the hazardous materials engineer's qualification examination affairs.

Article 13-23 A hazardous materials engineer who is engaged in the handling of hazardous materials at a manufacturing facility, storage facility or handling facility shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, take training sessions concerning the safety of the handling of hazardous materials, which is provided by a prefectural governor (including a municipal mayor or other organ designated by the Minister of Internal Affairs and Communications).

Article 13-24 (1) A municipal mayor, etc. may order the owner, manager or possessor of a manufacturing facility, storage facility or handling facility prescribed in Article 12-7, paragraph (1) or Article 13, paragraph (1) to dismiss the hazardous materials safety supervising manager or hazardous materials security superintendent when the hazardous materials safety supervising manager or hazardous materials security superintendent has violated the provisions of this Act or of any order under this Act or when the municipal

mayor, etc. finds that if those persons were to perform the duties assigned thereto, it is likely to hinder the maintenance of public safety or the prevention of the occurrence of disasters.

- (2) The provisions of Article 11-5, paragraph (4) and paragraph (5) shall apply mutatis mutandis to an order under the provision of the preceding paragraph.

Article 14 The owner, manager or possessor of a manufacturing facility, storage facility or handling facility specified by Cabinet Order shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, appoint a hazardous materials facility safety officer and have him/her perform the operations for ensuring the safety of the structure and equipment of the manufacturing facility, storage facility or handling facility.

Article 14-2 (1) The owner, manager or possessor of a manufacturing facility, storage facility or handling facility specified by Cabinet Order shall, in order to prevent a fire within the manufacturing facility, storage facility or handling facility, establish fire prevention rules concerning the matters specified by Ordinance of the Ministry of Internal Affairs and Communications and obtain authorization from a municipal mayor, etc. The same shall apply when revising these rules.

- (2) A municipal mayor, etc. shall not grant the authorization set forth in the preceding paragraph when the fire prevention rules do not conform to the technical standards set forth in Article 10, paragraph (3) or when he/she finds that said rules are inappropriate for the prevention of fire for other reasons.
- (3) A municipal mayor, etc. may order the revision of the fire prevention rules when it is necessary for prevention of fire.
- (4) The owner, manager or possessor of a manufacturing facility, storage facility or handling facility prescribed in paragraph (1) and the employees thereof shall observe the fire prevention rules.
- (5) The provisions of Article 11-5, paragraph (4) and paragraph (5) shall apply mutatis mutandis to an order under the provision of paragraph (3).

Article 14-3 (1) The owner, manager or possessor of an outdoor tank storage facility or handling facility for transfer specified by Cabinet Order shall, at an interval specified by Cabinet Order, undergo a safety inspection conducted by a municipal mayor, etc. in terms of whether or not the matters concerning the structure and equipment of said outdoor tank storage facility or handling facility for transfer, as specified by Cabinet Order, are maintained in accordance with the technical standards set forth in Article 10, paragraph (4).

- (2) The owner, manager or possessor of an outdoor tank storage facility specified by Cabinet Order shall, if an uneven settlement or any other event specified by

Cabinet Order occurs to the outdoor tank storage facility, undergo a safety inspection conducted by a municipal mayor, etc. in terms of whether or not the matters concerning the structure and equipment of the outdoor tank storage facility, as specified by Cabinet Order, are maintained in accordance with the technical standards set forth in Article 10, paragraph (4).

(3) In the case referred to in paragraph (1) (limited to the part pertaining to an outdoor tank storage facility) or the preceding paragraph, a municipal mayor, etc. may entrust the Association to examine whether or not the matters concerning the structure and equipment of the outdoor tank storage facility, which are specified by Cabinet Order and prescribed in these provisions, are maintained in accordance with the technical standards set forth in Article 10, paragraph (4).

Article 14-3-2 The owner, manager or possessor of a manufacturing facility, storage facility or handling facility specified by Cabinet Order shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, inspect such manufacturing facility, storage facility or handling facility periodically, and prepare and preserve inspection records.

Article 14-4 A person who owns, manages or possesses, at the same place of business, manufacturing facilities, storage facilities or handling facilities specified by Cabinet Order and who stores or handles hazardous materials of the quantity specified by Cabinet Order or a larger quantity shall, as provided for by Cabinet Order, set up a fire defense force for self-protection within said place of business.

Article 15 A projection room, which is set up within a building or other structure where films are regularly shown and which is used to project films other than slow-burning films, shall have a structure and equipment in accordance with the technical standards specified by Cabinet Order.

Article 16 The transportation of hazardous materials shall be conducted in accordance with the technical standards specified by Cabinet Order with regard to the container, loading method and method of transport.

Article 16-2 (1) The conveyance of hazardous materials by means of a mobile tank storage facility shall be conducted with a hazardous materials engineer who is qualified to handle said hazardous materials riding on the mobile tank.

(2) The hazardous materials engineer set forth in the preceding paragraph shall observe the standards specified by Cabinet Order concerning the conveyance of hazardous materials by means of a mobile tank storage facility and pay the

closest attention to ensure the safety of the hazardous materials.

- (3) A hazardous materials engineer shall carry his/her hazardous materials engineer's license while riding on a mobile tank storage facility which is in the course of conveyance of the hazardous materials pursuant to the provision of paragraph (1).

Article 16-3 (1) The owner, manager or possessor of a manufacturing facility, storage facility or handling facility shall, in the event that an outflow of hazardous materials or any other accident has occurred at said manufacturing facility, storage facility or handling facility, immediately take emergency measures to prevent the subsequent outflow and spread of hazardous materials, remove the hazardous materials that have flowed out and prevent the occurrence of any other disaster.

- (2) A person who has found a situation as set forth in the preceding paragraph shall immediately report to a fire station, a place designated by a municipal mayor, police station or maritime security and rescue organization to that effect.
- (3) When a municipal mayor, etc. finds that the owner, manager or possessor of a manufacturing facility, storage facility (excluding a mobile tank storage facility) or handling facility has not taken the emergency measures set forth in paragraph (1), he/she shall order those persons to take the emergency measures set forth in said paragraph.
- (4) A municipal mayor (in the area of a municipality other than a municipality which has fire defense headquarters and a fire station(s), the prefectural governor who has jurisdiction over said area; the same shall apply in the following paragraph, and Article 11-5, paragraph (4) as applied mutatis mutandis pursuant to paragraph (6)) may order, in the same manner as that prescribed in the preceding paragraph, that the emergency measures set forth in paragraph (1) should be taken at a mobile tank storage facility located in the area under his/her jurisdiction.
- (5) Where a municipal mayor, etc. or municipal mayor has ordered emergency measures pursuant to the provisions of paragraph (3) or the preceding paragraph respectively, if the person ordered to take such measures does not implement the measures at all or does not implement them fully, or if the measures should be implemented by a certain time limit but the implementation thereof is not expected to be completed by said time limit, the municipal mayor, etc. or municipal mayor may, as provided for in the Act on Substitute Execution by Administration, have his/her official engaged in the fire service affairs or a third party take such measures.
- (6) The provisions of Article 11-5, paragraph (4) and paragraph (5) shall apply mutatis mutandis to an order under the provisions of paragraph (3) or

paragraph (4).

Article 16-3-2 (1) In the event of the occurrence of an outflow of hazardous materials or any other accident (excluding a fire; hereinafter the same shall apply in this Article) at a manufacturing facility, storage facility or handling facility that could have caused a fire, a municipal mayor, etc. may investigate the cause of such accident.

(2) A municipal mayor, etc., when it is necessary for the investigation set forth in the preceding paragraph, may order the owner, manager or possessor of the manufacturing facility, storage facility or handling facility where the accident has occurred or of any other facility which is found to be closely related to the occurrence of the accident, to submit the necessary information materials or request such persons to make reports, or may have his/her official engaged in the fire service affairs enter such facilities, and inspect the status of the hazardous materials located there or the manufacturing facility, storage facility or handling facility or any other structure or object that is related to the accident, or ask questions of any related person.

(3) The provisions of the proviso to Article 4, paragraph (1), and paragraph (2) to paragraph (4) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(4) The Commissioner of the Fire and Disaster Management Agency, at the request of a municipal mayor, etc. (excluding the Minister of Internal Affairs and Communications) who conducts an investigation pursuant to the provision of paragraph (1), may conduct an investigation set forth in said paragraph. In this case, the provisions of the preceding two paragraphs shall apply mutatis mutandis.

Article 16-4 (1) A person who intends to obtain permission for the establishment of or a change to a handling facility for transfer from the Minister of Internal Affairs and Communications, or to undergo a completion inspection (including obtaining the approval set forth in the proviso to Article 11, paragraph (5)) or a safety inspection shall, as provided for by Cabinet Order, pay to the State the amount of fees which is specified by Cabinet Order in consideration of the actual costs.

(2) A person who intends to take training sessions concerning the safety of the handling of hazardous materials, which is provided by an agency designated by the Minister of Internal Affairs and Communications other than a municipal mayor (hereinafter referred to as a "designated training agency" in this Article) pursuant to the provision of Article 13-23, shall pay to the designated training agency the amount of fees which is specified by Cabinet Order in consideration of the actual costs, as provided for by Cabinet Order.

- (3) The fees paid to a designated training agency pursuant to the provision of the preceding paragraph shall be treated as income of said designated training agency.
- (4) Where a prefecture collects fees for a hazardous materials engineer's qualification examination under the provision of Article 227 of the Local Autonomy Act (Act No. 67 of 1947), it may have persons who intend to take the hazardous materials engineer's qualification examination conducted by a designated examining body pursuant to the provision of Article 13-5, paragraph (1), pay such fees to the designated examining body, thereby treating such fees as the designated training agency's income, as provided for by prefectural ordinance.

Article 16-5 (1) In addition to the cases specified in Article 16-3-2, paragraph (1) and paragraph (2), when a municipal mayor, etc. finds it necessary for prevention of fire involving storage or handling of hazardous materials, he/she may order the owner, manager or possessor of every facility that is found to be storing or handling the designated quantity or a larger quantity of hazardous materials (hereinafter referred to as a "storage facility, etc." in this paragraph), to submit information materials or request such persons to make reports, or may have his/her official engaged in the fire service affairs enter the storage facility, etc., and inspect the position, structure or equipment of the facility and the storage or handling of hazardous materials conducted there, ask questions of any related person or take away hazardous materials or other materials suspected of being hazardous materials, limited to the maximum quantity required for testing.

- (2) A firefighter or a police official, when he/she finds it particularly necessary for prevention of fire involving conveyance of hazardous materials, may stop a mobile tank storage facility while in transit and request the hazardous materials engineer who is riding on said mobile tank storage facility to present his/her hazardous materials engineer's license. In this case, a firefighter and a police official shall maintain close contact with each other when performing their duties.
- (3) The provisions of Article 4, paragraph (2) to paragraph (4) shall apply mutatis mutandis to the cases referred to in the preceding two paragraphs.

Article 16-6 (1) A municipal mayor, etc. may order a person who stores or handles the designated quantity or a larger quantity of hazardous materials without obtaining the approval set forth in the proviso to Article 10, paragraph (1) or the permission under the provision of the first sentence of Article 11, paragraph (1), to remove the hazardous materials thus stored or handled and take other necessary measures to prevent disasters caused by the hazardous

materials.

- (2) The provisions of Article 11-5, paragraph (4) and paragraph (5) shall apply mutatis mutandis to an order under the provision of the preceding paragraph, and the provision of Article 16-3, paragraph (5) shall apply mutatis mutandis to the case where the necessary measures are ordered under the provision of the preceding paragraph.

Article 16-7 Where the establishment or abolition of fire defense headquarters or a fire station or the abolition, creation, division or merger of or boundary change to a municipality has caused a municipality to have fire defense headquarters and a fire station(s) or to no longer have fire defense headquarters and a fire station(s) or caused a municipality to be involved in such abolition, creation, division or merger or boundary change, and this has led to the change of the administrative agency which shall have authority over the area of said municipality under the provisions of Article 11; Article 11-2; Article 11-4; Article 11-5, paragraph (1) and paragraph (2); Article 12, paragraph (2); Article 12-2 to Article 12-4; Article 12-6; Article 12-7, paragraph (2); Article 13, paragraph (2); Article 14-2, paragraph (1) and paragraph (3); Article 14-3; Article 16-3, paragraph (3) and paragraph (4); and the preceding Article; the effect of the permission or other disposition granted or made by the initial administrative agency or of the notification received by the initial administrative agency, and the special provisions for the application of the provisions of this Chapter shall be prescribed by Cabinet Order.

Article 16-8 Part of the affairs under the authority of the Minister of Internal Affairs and Communications as prescribed in this Chapter may be conducted by prefectural governors or municipal mayors, as provided for by Cabinet Order.

Article 16-8-2 When the Minister of Internal Affairs and Communications finds it urgently necessary in order to maintain public safety or prevent the occurrence of disasters, he/she may, as provided for by Cabinet Order, give instructions to prefectural governors or municipal mayors as to how to administer the affairs which are to be conducted by prefectural governors or municipal mayors pursuant to the provisions of this Chapter or the Cabinet Order issued under the provision of the preceding Article and which are specified by Cabinet Order.

Article 16-9 The provisions of this Chapter shall not apply to the storage, handling or transportation of hazardous materials by means of an aircraft, ship, railway or tramway.

Chapter III-2 Hazardous Materials Safety Techniques Association (KHK)
Section 1 General Provisions

Article 16-10 The purpose of the Hazardous Materials Safety Techniques Association (Kikenbutsu Hoangijutsu Kyokai, KHK) is to conduct the examination of an outdoor tank storage facility as entrusted by a municipal mayor, etc. under the provisions of Article 11-3 or Article 14-3, paragraph (3) and to conduct tests and an investigation and provide technical assistance, etc. concerning the safety of storage, handling or transportation (excluding those operations by means of an aircraft, ship, railway or tramway; hereinafter the same shall apply in this Chapter) of hazardous materials or designated flammable goods (hereinafter referred to as "hazardous materials, etc." in this Chapter), thereby ensuring the safety of storage, handling or transportation of hazardous materials, etc.

Article 16-11 The Hazardous Materials Safety Techniques Association (hereinafter referred to as the "Association" in this Chapter) shall be a juridical person.

Article 16-12 Only one Association shall be formed (under this Act).

Article 16-13 (1) The Association shall use in its name the characters representing the term "hazardous materials safety techniques association."
(2) No person other than the Association shall use in its name the characters representing the term "hazardous materials safety techniques association."

Article 16-14 (1) The Association shall complete registration as provided for by Cabinet Order.
(2) The matters that are required to be registered under the provision of the preceding paragraph may not be duly asserted against a third party until after they have been registered.

Article 16-15 The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) shall apply mutatis mutandis to the Association.

Section 2 Formation

Article 16-16 In order to form the Association, 15 or more persons, consisting of a prefectural governor(s) recommended by a nationwide federation of

prefectural governors, city mayor(s) recommended by a nationwide federation of city mayors, town/village mayor(s) recommended by a nationwide federation of town/village mayors, and persons with the relevant knowledge and experience in the safety of storage, handling or transportation of hazardous materials, etc., shall be required to become its founders.

Article 16-17 (1) The founders shall apply for authorization for the formation of the Association by submitting the articles of incorporation and a business plan to the Minister of Internal Affairs and Communications.

(2) The officers of the Association at the time of its formation shall be specified by the articles of incorporation.

(3) The matters to be stated in the business plan set forth in paragraph (1) shall be specified by Ordinance of the Ministry of Internal Affairs and Communications.

Article 16-18 When the Minister of Internal Affairs and Communications intends to grant authorization for the formation of the Association, he/she shall, before granting such authorization, examine whether or not the application for authorization filed under the provision of paragraph (1) of the preceding Article conforms to the following items:

(i) the applicant's formation procedure as well as the contents of its articles of incorporation and business plan conform to the provisions of laws and regulations;

(ii) no false statement is included in the applicant's articles of incorporation or business plan;

(iii) the applicant's plan for the implementation of the operations, which covers personnel, operational procedures and other matters, is appropriate, and the applicant is found to have a sufficient financial and technical basis for carrying out the plan reliably; and

(iv) in addition to what is specified in the preceding item, the applicant is expected to achieve sound business management and surely contribute to ensuring the safety of storage, handling or transportation of hazardous materials, etc.

Article 16-19 Deleted

Article 16-20 Having obtained authorization for the formation of the Association under the provision of Article 16-18, the founders shall without delay transfer their affairs to the person who is to become the president.

Article 16-21 (1) The person who is to become the president shall, when he/she

has taken over the affairs under the provision of the preceding Article, complete a registration of the formation of the Association without delay, as provided for by Cabinet Order.

- (2) The Association shall be validly established upon the completion of a registration of the formation of the Association.

Section 3 Management

Article 16-22 (1) The articles of incorporation of the Association shall specify the following matters:

- (i) the purpose;
- (ii) the name;
- (iii) the location of its office;
- (iv) the number, term of office and appointment method of officers and other matters concerning officers;
- (v) the matters concerning the board of councilors;
- (vi) the matters concerning the operations and execution thereof;
- (vii) the matters concerning the finance and accounting;
- (viii) the matters concerning the amendment of the articles of incorporation;
- and
- (ix) the method of giving public notice.

- (2) The amendment of the articles of incorporation of the Association shall not be effective unless authorized by the Minister of Internal Affairs and Communications.

Article 16-23 The Association shall have a president, directors and auditors as its officers.

Article 16-24 (1) The president shall represent the Association and preside over its operations.

- (2) The directors shall, as provided for in the articles of incorporation, administer the operations of the Association while assisting the president, perform the duties of the president in his/her place when the president is unable to carry out his/her duties, and perform the duties of the president when the post is vacant.

(3) The auditors shall audit the operations of the Association.

(4) The auditors may submit their opinions to the president or to the Minister of Internal Affairs and Communications when they find it necessary based on the audit results.

Article 16-25 The appointment and dismissal of an officer shall not be effective

unless authorized by the Minister of Internal Affairs and Communications.

Article 16-26 A person who falls under any of the following items may not become an officer:

- (i) an employee of the national government or a local government (excluding a part-time employee);
- (ii) the owner, manager or possessor of a manufacturing facility, storage facility or handling facility or a person engaged in the business of conducting a construction work under contract for a manufacturing facility, storage facility or handling facility, or in cases where any of those persons is a juridical person, its officer (including a person who has the same or a greater level of authority or control than an officer, irrespective of his/her title); or
- (iii) an officer of an association of business operators as listed in the preceding item (including a person who has the same or a greater level of authority or control than an officer, irrespective of his/her title).

Article 16-27 When an officer has come to fall under any of the items of the preceding Article, the Association shall dismiss such officer.

Article 16-28 (1) When an officer has committed an act in violation of this Act (including any orders or dispositions under this Act), the articles of incorporation, statement of operational procedures, or the facility examination affairs rules prescribed in Article 16-37, paragraph (1), or committed a highly inappropriate act in connection with the operations of the Association, the Minister of Internal Affairs and Communications may specify a period and order the Association to dismiss such officer within such period.

(2) Where an officer has come to fall under any of the items of Article 16-26, if the Association does not dismiss such officer or the Association does not comply with the order issued under the provision of the preceding paragraph, the Minister of Internal Affairs and Communications may dismiss the officer.

Article 16-29 An officer shall not become an officer of any profit-oriented association or engage him/herself in any profit-making business; provided, however, that this shall not apply when he/she has obtained approval to do so from the Minister of Internal Affairs and Communications.

Article 16-30 The president shall not have the authority of representation with regard to any matters whereby the interests of the Association and those of the president conflict with each other. In this case, an auditor shall represent the Association.

Article 16-30-2 (1) The Association shall have a board of councilors as its organization in charge of deliberating important matters concerning its administration.

(2) The board of councilors shall consist of not more than ten councilors.

(3) The councilors shall be appointed by the president, with the authorization of the Minister of Internal Affairs and Communications, from among persons recommended by a nationwide federation of prefectural governors, those recommended by a nationwide federation of city mayors, those recommended by a nationwide federation of town/village mayors, and those with the relevant knowledge and experience in the safety of storage, handling or transportation of hazardous materials, etc.

Article 16-31 Employees of the Association shall be appointed by the president.

Article 16-32 Officers or employees of the Association or persons who have held those posts shall not divulge or misappropriate any secret that they have come to know in the course of performing their duties.

Article 16-33 With regard to the application of the Penal Code and other penal provisions, officers and employees of the Association shall be deemed to be personnel engaged in public service under laws and regulations.

Section 4 Operations

Article 16-34 (1) In order to achieve the purpose set forth in Article 16-10, the Association shall conduct the following operations:

(i) conducting an examination of an outdoor tank storage facility as entrusted by a municipal mayor, etc. under the provisions of Article 11-3 or Article 14-3, paragraph (3);

(ii) conducting tests and an investigation, and providing technical assistance as well as collecting and providing information with regard to the safety of storage, handling or transportation of hazardous materials, etc.;

(iii) providing education on the safety of storage, handling or transportation of hazardous materials, etc.;

(iv) conducting operations incidental to those listed in the preceding three items; and

(v) in addition to what is listed in each of the preceding items, conducting other operations necessary for achieving the purpose set forth in Article 16-10.

(2) The Association shall obtain authorization from the Minister of Internal Affairs and Communications when it intends to conduct the operations listed in item (v) of the preceding paragraph.

(3) In addition to conducting the operations set forth in paragraph (1), the Association may, to the extent that it will not hinder the smooth execution of such operations, conduct an examination, tests or the like by using the machinery and equipment or technology that it owns for the purpose of conducting the operations concerning the safety of storage, handling or transportation of hazardous materials, etc., and conduct other operations where it is found appropriate for the Association to do so, with the authorization of the Minister of Internal Affairs and Communications.

Article 16-35 (1) The Association shall, before commencing the operations, prepare a statement of operational procedures and obtain authorization from the Minister of Internal Affairs and Communications. The same shall apply when it intends to revise the statement.

(2) The matters to be included in the statement of operational procedures set forth in the preceding paragraph shall be specified by Ordinance of the Ministry of Internal Affairs and Communications.

Article 16-36 (1) Upon receiving an application from a municipal mayor, etc. for a contract for the entrustment of an examination of an outdoor tank storage facility under the provisions of Article 11-3 or Article 14-3, paragraph (3), the Association shall not refuse it unless there are justifiable grounds to do so.

(2) When the contract set forth in the preceding paragraph is validly established, the Association shall conduct the examination set forth in said paragraph under said contract without delay.

Article 16-37 (1) The Association shall, before commencing the operations listed in Article 16-34, paragraph (1), item (i) (hereinafter referred to as the "facility examination affairs"), establish rules concerning the implementation of the facility examination affairs (hereinafter referred to as the "facility examination affairs rules"), and obtain authorization from the Minister of Internal Affairs and Communications. The same shall apply when it intends to revise the rules.

(2) When the Minister of Internal Affairs and Communications finds that the facility examination affairs rules for which he/she granted authorization under the provision of the preceding paragraph have become inappropriate for proper and reliable implementation of the facility examination affairs, he/she may order the Association to revise the rules.

(3) The matters to be prescribed in the facility examination affairs rules shall be specified by Ordinance of the Ministry of Internal Affairs and Communications.

Article 16-38 (1) When the Association conducts the facility examination affairs, it shall have a qualified person as specified by Cabinet Order implement the

affairs.

- (2) A person in charge of implementing the facility examination affairs (hereinafter referred to as an "inspector") shall perform his/her duties sincerely.
- (3) The Minister of Internal Affairs and Communications may order the Association to dismiss an inspector when the inspector has committed an act in violation of this Act or any order under this Act or the facility examination affairs rules, or when the minister finds that where the inspector were to perform the duties assigned thereto, it is likely to hinder the proper implementation of the facility examination affairs.

Article 16-39 The national government and local governments shall, in order to ensure the smooth administration of the operations of the Association, give necessary consideration to providing the Association with the personnel and technical assistance that they find to be appropriate.

Section 5 Finance and Accounting

Article 16-40 The business year of the Association shall commence on April 1 of each year and end on March 31 in the following year.

Article 16-41 The Association shall prepare a budget and business plan for each business year, and obtain authorization from the Minister of Internal Affairs and Communications prior to the commencement of said business year. The same shall apply when the Association intends to revise the budget and business plan.

Article 16-42 (1) The Association shall prepare an inventory of assets, balance sheet and profit and loss statement (referred to as "financial statements" in the following paragraph) for each business year, and submit them to the Minister of Internal Affairs and Communications within three months after the end of the business year.

(2) The Association, when it submits financial statements to the Minister of Internal Affairs and Communications pursuant to the provision of the preceding paragraph, shall attach the business report of the business year and the statement of accounts prepared according to the budgetary categories as well as the auditors' written opinions regarding the financial statements and statement of accounts.

Article 16-43 Deleted

Article 16-44 Deleted

Article 16-45 Deleted

Article 16-46 In addition to what is provided for in this Act, the necessary matters concerning the finance and accounting of the Association shall be prescribed by Ordinance of the Ministry of Internal Affairs and Communications.

Section 6 Supervision

Article 16-47 The Minister of Internal Affairs and Communications, when he/she finds it necessary in order to enforce the provisions of this Chapter, may issue to the Association an order necessary for the supervision of its operations.

Article 16-48 (1) The Minister of Internal Affairs and Communications, when he/she finds it necessary in order to enforce the provisions of this Chapter, may have the Association make reports on its operations, or have his/her official enter the Association's office or other place of business and inspect the status of the operations or its books, documents and any other necessary objects.

(2) An officer who conducts an on-site inspection under the provision of the preceding paragraph shall carry his/her identification card and present it to any relevant person.

(3) The authority to conduct an on-site inspection pursuant to the provision of paragraph (1) shall not be deemed to be vested for the purpose of crime investigation.

Section 7 Dissolution

Article 16-49 The dissolution of the Association shall be separately prescribed by an Act.

Chapter IV Fire Defense Equipment, etc.

Article 17 (1) A person concerned with a school, hospital, factory, workplace, entertainment facility, department store, hotel, restaurant, underground mall, multi-purpose property under fire prevention measures or any other property under fire prevention measures specified by Cabinet Order shall install and maintain equipment used for fire defense, a water supply for fire defense, and facilities necessary for fire extinguishing activities (hereinafter referred to as "fire defense equipment, etc.") specified by Cabinet Order, in accordance with the technical standards specified by Cabinet Order so that said equipment, etc.

will perform as required for fire extinguishing activities, evacuation and other fire defense activities.

- (2) When a municipality finds it difficult, due to the peculiarity of the weather or climate of the region, to achieve the purpose of fire prevention sufficiently when only enforcing the provisions of the Cabinet Order concerning the technical standards for fire defense equipment, etc. set forth in the preceding paragraph or of an order issued thereunder, it may establish, by municipal ordinance, different provisions from those of the Cabinet Order or of the order issued thereunder with regard to the technical standards for fire defense equipment, etc. set forth in said paragraph.
- (3) Where a person concerned with a property under fire prevention measures set forth in paragraph (1) uses, in lieu of fire defense equipment, etc. that should be installed and maintained in accordance with the technical standards specified by the Cabinet Order set forth in said paragraph or order issued thereunder or a municipal ordinance under the provision of the preceding paragraph, special fire defense equipment, etc. or any other equipment, etc. (hereinafter referred to as "special fire defense equipment, etc.") certified by the Minister of Internal Affairs and Communications as equipment, etc. which performs to an equal or higher level than that of said fire defense equipment, etc. and is to be installed and maintained according to a plan for the installation and maintenance of special fire defense equipment, etc. (hereinafter referred to as an "equipment installation and maintenance plan") to be prepared by the person concerned as provided for by Ordinance of the Ministry of Internal Affairs and Communications, the provisions of the preceding two paragraphs shall not apply to said fire defense equipment, etc. (limited to those substituted by the certified special fire defense equipment, etc.).

- Article 17-2 (1) A person who intends to obtain the certification set forth in paragraph (3) of the preceding Article shall, in advance, undergo a performance evaluation (meaning an evaluation of the performance of the special fire defense equipment, etc. to be installed and maintained according to an equipment installation and maintenance plan; hereinafter the same shall apply in this Article and Article 17-2-4) conducted by the Japan Fire Equipment Inspection Institute (hereinafter referred to as the "Institute") or a juridical person registered by the Minister of Internal Affairs and Communications.
- (2) A person who intends to undergo a performance evaluation shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, apply to the Institute or a juridical person registered under the provision of the preceding paragraph by attaching, to a written application, an equipment installation and maintenance plan and any other document specified by

Ordinance of the Minister of Internal Affairs and Communications.

- (3) Upon receiving the application set forth in the preceding paragraph, the Institute or a juridical person registered under the provision of paragraph (1) shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, conduct a performance evaluation for which the application has been filed, and give notice of the result of the performance evaluation (referred to as the "evaluation result" in paragraph (1) and paragraph (2) of the following Article) to the person who has filed the application set forth in the preceding paragraph.

Article 17-2-2 (1) When a person who has received a notice of the evaluation result set forth in paragraph (3) of the preceding Article (including cases where applied mutatis mutandis pursuant to Article 17-2-4, paragraph (3)) intends to obtain the certification set forth in Article 17, paragraph (3), he/she shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, apply to the Minister of Internal Affairs and Communications by attaching, to a written application, an equipment installation and maintenance plan and a document stating the evaluation result.

- (2) Upon receiving the application set forth in the preceding paragraph, the Minister of Internal Affairs and Communications shall examine, while referring to the equipment installation and maintenance plan and the document stating the evaluation result as set forth in said paragraph, whether or not the special fire defense equipment, etc. to be installed and maintained according to the equipment installation and maintenance plan pertaining to the application performs to an equal or higher level than that of the fire defense equipment, etc. that should be installed and maintained in accordance with the technical standards specified by Cabinet Order as set forth in Article 17, paragraph (1) or order issued thereunder or a municipal ordinance under the provision of paragraph (2) of said Article, and if he/she judges said special fire defense equipment, etc. to have such performance, he/she shall grant the certification under the provision of paragraph (3) of said Article.

- (3) The Minister of Internal Affairs and Communications, when he/she intends to grant the certification under the provision of the preceding paragraph, shall give notice to the relevant fire chief(s) or relevant fire station chief(s) to that effect. In this case, the relevant fire chief(s) or relevant fire station chief(s) may state their opinions to the Minister of Internal Affairs and Communications concerning the certification.

Article 17-2-3 (1) When special fire defense equipment, etc. for which a certification under the provision of Article 17, paragraph (3) was granted falls

under any of the following, the Minister of Internal Affairs and Communications may invalidate the certification:

- (i) when it is found that the certification or approval set forth in the following paragraph was granted by deception or other wrongful means; or
 - (ii) when the minister finds that the special fire defense equipment, etc. is not installed or maintained according to the equipment installation and maintenance plan.
- (2) When a person who has obtained a certification under the provision of Article 17, paragraph (3) intends to make a change to the special fire defense equipment, etc. or equipment installation and maintenance plan which pertains to the certification, he/she shall obtain approval from the Minister of Internal Affairs and Communications; provided, however, that this shall not apply to a minor change specified by Ordinance of the Ministry of Internal Affairs and Communications.
- (3) The provisions of the preceding two Articles shall apply mutatis mutandis where the Minister of Internal Affairs and Communications grants approval pursuant to the provision of the preceding paragraph.
- (4) When a person who has obtained a certification under the provision of Article 17, paragraph (3) has made a minor change specified by Ordinance of the Ministry of Internal Affairs and Communications as set forth in the proviso to paragraph (2), he/she shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, notify a fire chief or fire station chief to that effect.

Article 17-2-4 (1) Where the Institute or a juridical person registered under the provision of Article 17-2, paragraph (1) is no longer, in whole or in part, capable of conducting a performance evaluation and it has become difficult for the Institute or juridical person to conduct the operations for such performance evaluation, the Minister of Internal Affairs and Communications may, when he/she finds it particularly necessary, conduct the performance evaluation based on an application from a person who intends to obtain the certification set forth in Article 17, paragraph (3).

- (2) Where the Minister of Internal Affairs and Communications conducts the whole or part of a performance evaluation him/herself pursuant to the provision of the preceding paragraph, he/she shall, in advance, give public notice of the period during which he/she will conduct the performance evaluation.
- (3) The provisions of Article 17-2, paragraph (2) and paragraph (3) shall apply mutatis mutandis where the Minister of Internal Affairs and Communications conducts a performance evaluation pursuant to the provision of paragraph (1).
- (4) A person who intends to undergo a performance evaluation conducted by the

Minister of Internal Affairs and Communications pursuant to the provision of paragraph (1) shall pay the amount of fees which is specified by Cabinet Order in consideration of the actual costs to the State.

- Article 17-2-5 (1) If any fire defense equipment, etc. (excluding a fire extinguisher, escape equipment and any other equipment specified by Cabinet Order; hereinafter the same shall apply in this Article and the following Article) installed in a property under fire prevention measures as set forth in Article 17, paragraph (1) which exists at the time of the enforcement or application of the provisions of the Cabinet Order concerning the technical standards for fire defense equipment, etc. set forth in paragraph (1) of said Article or of an order issued thereunder or the provisions of the municipal ordinance under the provision of paragraph (2) of said Article, or any fire defense equipment, etc. to be installed in a property under fire prevention measures set forth in paragraph (2) of said Article which is under work for new construction or an extension, reconstruction, relocation, repair or remodeling at the time of the enforcement or application of said provisions, fails to conform to these provisions, said provisions shall not apply to the fire defense equipment, etc. In this case, the provisions then in force concerning the technical standards for the fire defense equipment, etc. shall apply thereto.
- (2) The provision of the preceding paragraph shall not apply to fire defense equipment, etc. which falls under any of the following items:
- (i) fire defense equipment, etc. installed in a property under fire prevention measures as set forth in Article 17, paragraph (1) which is, at the time of the enforcement or application of the provisions of the Cabinet Order concerning the technical standards for fire defense equipment, etc. set forth in paragraph (1) of said Article or of an order issued thereunder or the provisions of municipal ordinance under the provision of paragraph (2) of said Article as revised by any laws and regulations for the revision to said Cabinet Order or order issued thereunder or municipal ordinance (including cases where said Cabinet Order or order issued thereunder or municipal ordinance is repealed and a new equivalent Cabinet Order or order issued thereunder or municipal ordinance is established simultaneously), in violation of the provision of paragraph (1) of said Article due to the failure to conform to the provisions then in force equivalent to those provisions as revised;
 - (ii) fire defense equipment, etc. installed in a property under fire prevention measures as set forth in Article 17, paragraph (1) for which construction work for an extension, reconstruction, or major repair or remodeling is commenced after the time of the enforcement or application of the provisions of the Cabinet Order concerning the technical standards for fire defense

equipment, etc. set forth in paragraph (1) of said Article or of an order issued thereunder or the provisions of the municipal ordinance under the provision of paragraph (2) of said Article;

(iii) fire defense equipment, etc. installed in a property under fire prevention measures set forth in Article 17, paragraph (1) which now conforms to the provisions of the Cabinet Order concerning the technical standards for fire defense equipment, etc. set forth in paragraph (1) of said Article or of an order issued thereunder or the provisions of the municipal ordinance under the provision of paragraph (2) of said Article; or

(iv) in addition to what is listed in the preceding three items, fire defense equipment, etc. installed in a department store, hotel, hospital, underground mall, multi-purpose property under fire prevention measures (limited to those specified by Cabinet Order) or any other property under fire prevention measures set forth in Article 17, paragraph (1) specified by Cabinet Order as a property to which a number of people have access (hereinafter referred to as a "specified property under fire prevention measures"), which exists at the time of the enforcement or application of the provisions of the Cabinet Order concerning the technical standards for fire defense equipment, etc. set forth in paragraph (1) of said Article or of an order issued thereunder or the provisions of the municipal ordinance under the provision of paragraph (2) of said Article, or fire defense equipment, etc. to be installed in a specified property under fire prevention measures which is under work for new construction or an extension, reconstruction, relocation, repair or remodeling at the time of the enforcement or application of said provisions.

Article 17-3 (1) In addition to the cases prescribed in the preceding Article, if there has been any change to the intended purpose of a property under fire prevention measures set forth in Article 17, paragraph (1) and the fire defense equipment, etc. installed in the property under fire prevention measures after the change to the intended purpose now fails to conform to either the provisions of the Cabinet Order concerning the technical standards for fire defense equipment, etc. set forth in paragraph (1) of said Article or of an order issued thereunder or the provisions of the municipal ordinance under the provision of paragraph (2) of said Article, both of which pertain to said fire defense equipment, etc., those provisions shall not apply. In this case, the technical standards for fire defense equipment, etc. installed in the property under fire prevention measures prior to the change to the intended purpose shall apply.

(2) The provision of the preceding paragraph shall not apply to fire defense equipment, etc. which falls under any of the following items:

(i) fire defense equipment, etc. installed in a property under fire prevention

measures set forth in Article 17, paragraph (1) which is, at the time when there has been a change to the property under fire prevention measures, in violation of the provision of paragraph (1) of said Article due to the failure to conform to either the provisions of the Cabinet Order concerning the technical standards for fire defense equipment, etc. set forth in paragraph (1) of said Article or of an order issued thereunder or the provisions of the municipal ordinance under the provision of paragraph (2) of said Article, both of which pertain to the fire defense equipment, etc. installed in the property under fire prevention measures prior to the change to the intended purpose;

- (ii) fire defense equipment, etc. installed in a property under fire prevention measures set forth in Article 17, paragraph (1) for which construction work for an extension, reconstruction, or major repair or remodeling is commenced after the time when there has been a change to the intended purpose of the property under fire prevention measures;
- (iii) fire defense equipment, etc. installed in a property under fire prevention measures set forth in Article 17, paragraph (1) which now conforms to the provisions of the Cabinet Order concerning the technical standards for fire defense equipment, etc. set forth in paragraph (1) of said Article or of an order issued thereunder or the provisions of the municipal ordinance under the provision of paragraph (2) of said Article; or
- (iv) in addition to what is listed in the preceding three items, fire defense equipment, etc. installed in a property under fire prevention measures set forth in Article 17, paragraph (1) where there has been a change to the intended purpose, and where the new intended purpose after such change is an intended purpose of a specified property under fire prevention measures.

Article 17-3-2 When a person concerned with a property under fire prevention measures set forth in Article 17, paragraph (1), which is categorized as a specified property under fire prevention measures or as otherwise specified by Cabinet Order, has installed fire defense equipment, etc. or special fire defense equipment, etc. (excluding those specified by Cabinet Order) which should be installed in accordance with the technical standards specified by the Cabinet Order set forth in said paragraph or an order issued thereunder or a municipal ordinance under the provision of paragraph (2) of said Article (in the cases prescribed in the first sentence of Article 17-2-5, paragraph (1) or the first sentence of paragraph (1) of the preceding Article, the technical standards to be applied pursuant to the provisions of the second sentence of Article 17-2-5, paragraph (1) or the second sentence of paragraph (1) of the preceding Article, respectively; hereinafter referred to as the "technical standards for the equipment") or an equipment installation and maintenance plan, he/she shall,

as provided for by Ordinance of the Ministry of Internal Affairs and Communications, notify the fire chief or fire station chief to that effect and undergo an inspection.

Article 17-3-3 A person concerned with a property under fire prevention measures set forth in Article 17, paragraph (1) (excluding those specified by Cabinet Order) shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, periodically, have a person who has obtained a fire defense equipment officer's license or another qualified person specified by Ordinance of the Ministry of Internal Affairs and Communications inspect the fire defense equipment, etc. or special fire defense equipment, etc. installed in the property under fire prevention measures (in the case of a property under fire prevention measures set forth in Article 8-2-2, paragraph (1), the function of such fire defense equipment, etc. or special fire defense equipment, etc.) in the case of the property under fire prevention measures specified by Cabinet Order, or inspect such equipment, etc. him/herself in the case of another property under fire prevention measures, and report the inspection results to a fire chief or fire station chief.

- Article 17-4 (1) When a fire chief or fire station chief finds that fire defense equipment, etc. installed in a property under fire prevention measures set forth in Article 17, paragraph (1) is not installed or maintained in accordance with technical standards for the equipment, he/she may order the person concerned with the property under fire prevention measures, who holds title, to install such equipment in accordance with the technical standards for the equipment or take the necessary measures for the maintenance thereof.
- (2) When a fire chief or fire station chief finds that special fire defense equipment, etc. which is installed in a property under fire prevention measures set forth in Article 17, paragraph (1) and for which a certification has been granted under the provision of paragraph (3) of said Article is not installed or maintained in accordance with an equipment installation and maintenance plan, he/she may order the person concerned with the property under fire prevention measures, who holds title, to install such equipment in accordance with the technical standards for the equipment or take the necessary measures for the maintenance thereof.
- (3) The provisions of Article 5, paragraph (3) and paragraph (4) shall apply mutatis mutandis to an order under the provisions of the preceding two paragraphs.

Article 17-5 A person who has not obtained a fire defense equipment officer's license shall not engage in construction work (limited to installation work) or

improvement work as specified by Cabinet Order with regard to the following fire defense equipment, etc. or special fire defense equipment, etc.:

- (i) fire defense equipment, etc. that should be installed in accordance with the technical standards set forth in Article 10, paragraph (4) or technical standards for the equipment; and
- (ii) special fire defense equipment, etc. that should be installed according to an equipment installation and maintenance plan.

Article 17-6 (1) The types of fire defense equipment officer's license shall be a Class A fire defense equipment officer's license and Class B fire defense equipment officer's license.

(2) The types of construction work or improvement work that a person who has obtained a Class A fire defense equipment officer's license (hereinafter referred to as a "Class A fire defense equipment officer") is qualified to engage in and the types of improvement work that a person who has obtained a Class B fire defense equipment officer's license (hereinafter referred to as a "Class B fire defense equipment officer") is qualified to engage in shall be specified by Ordinance of the Ministry of Internal Affairs and Communications according to the types of these fire defense equipment officer's licenses.

Article 17-7 (1) A fire defense equipment officer's license shall be issued by a prefectural governor to a person who has passed a fire defense equipment officer's qualification examination.

(2) The provisions of Article 13-2, paragraph (4) to paragraph (7) shall apply mutatis mutandis to a fire defense equipment officer's license.

Article 17-8 (1) A fire defense equipment officer's qualification examination shall be conducted to assess the knowledge and skills necessary for ensuring the installation and maintenance of fire defense equipment, etc. or special fire defense equipment, etc. (hereinafter referred to as "equipment, etc. subject to construction or improvement work" in this Chapter).

(2) The types of fire defense equipment officer's qualification examination are a Class A fire defense equipment officer's qualification examination and Class B fire defense equipment officer's qualification examination.

(3) A fire defense equipment officer's qualification examination shall be conducted by a prefectural governor at least once a year for each type of fire defense equipment officer's qualification examination prescribed in the preceding paragraph.

(4) No person other than one who falls under any of the following items shall take a Class A fire defense equipment officer's qualification examination:

- (i) a person who has graduated from a university, college of technology, high

- school or secondary educational school under the School Education Act by completing a major or program in machinery, electricity, industrial chemistry, civil engineering or architecture;
- (ii) a person who has had experience in engaging in improvement work for equipment, etc. subject to construction or improvement work (limited to those specified by Cabinet Order under the provision of Article 17-5) for at least two years after obtaining a Class B fire defense equipment officer's license; or
 - (iii) a person specified by Ordinance of the Ministry of Internal Affairs and Communications as being equivalent to those persons listed in the preceding two items.
- (5) In addition to what is prescribed in each of the preceding paragraphs, the subjects of a fire defense equipment officer's qualification examination, procedure for taking the qualification examination and other details concerning the implementation of the qualification examination shall be specified by Ordinance of the Ministry of Internal Affairs and Communications.

Article 17-9 (1) A prefectural governor may entrust a person designated by the Minister of Internal Affairs and Communications to conduct the affairs concerning the implementation of a fire defense equipment officer's qualification examination.

(2) The designation under the provision of the preceding paragraph shall be made upon an application from a person who intends to conduct the affairs concerning the implementation of a fire defense equipment officer's qualification examination.

(3) When a prefectural governor has a person designated by the Minister of Internal Affairs and Communications conduct the affairs concerning the implementation of a fire defense equipment officer's qualification examination pursuant to the provision of paragraph (1), he/she shall not conduct the affairs concerning the implementation of a fire defense equipment officer's qualification examination.

(4) The provision of Article 13-6 shall apply mutatis mutandis to the designation under the provision of paragraph (1), the provisions of Article 13-7, Article 13-9 to Article 13-18, and Article 13-22 shall apply mutatis mutandis to the person designated under the provision of said paragraph, the provisions of Article 13-8, Article 13-19, and Article 13-20 shall apply mutatis mutandis to the prefectural governor who has decided to entrust a person designated by the Minister of Internal Affairs and Communications to conduct the affairs concerning the implementation of a fire defense equipment officer's qualification examination pursuant to the provision of said paragraph, and the provision of Article 13-21 shall apply mutatis mutandis to the takeover of the

affairs concerning the implementation of a fire defense equipment officer's qualification examination and other necessary matters. In this case, in these provisions, the phrase "hazardous materials engineer's qualification examination affairs" shall be deemed to be replaced with "the affairs concerning the implementation of a fire defense equipment officer's qualification examination"; in Article 13-6, the phrase "paragraph (2) of the preceding Article" shall be deemed to be replaced with "Article 17-9, paragraph (2)"; in Article 13-7, paragraph (1) and paragraph (2) and Article 13-8, paragraph (1), the phrase "Article 13-5, paragraph (1)" shall be deemed to be replaced with "Article 17-9, paragraph (1)"; in Article 13-10 and Article 13-11, paragraph (1), the phrase "examiner(s) for a hazardous materials engineer's qualification examination" shall be deemed to be replaced with "examiner(s) for a fire defense equipment officer's qualification examination"; in Article 13-13, paragraph (1) and Article 13-18, paragraph (2), item (v), the phrase "Article 13-5, paragraph (1)" shall be deemed to be replaced with "Article 17-9, paragraph (1)"; and in Article 13-20, paragraph (1), the phrase "Article 13-5, paragraph (3)" shall be deemed to be replaced with "Article 17-9, paragraph (3)."

Article 17-10 A fire defense equipment officer shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, take training sessions concerning the construction work or improvement work for equipment, etc. subject to construction or improvement work, which is provided by a prefectural governor (including a municipal mayor or another organ designated by the Minister of Internal Affairs and Communications).

Article 17-11 (1) A person who intends to take training sessions concerning the construction work or improvement work for equipment, etc. subject to construction or improvement work, which is provided by an organ designated by the Minister of Internal Affairs and Communications other than a municipal mayor (hereinafter referred to as a "designated training agency" in this Article), shall pay the amount of fees which is specified by Cabinet Order in consideration of the actual costs to the designated training agency, as provided for by Cabinet Order.

(2) The fees paid to a designated training agency pursuant to the provision of the preceding paragraph shall be treated as income of the designated training agency.

(3) Where a prefecture collects fees for a fire defense equipment officer's qualification examination under the provision of Article 227 of the Local Autonomy Act, it may have a person who intends to take the fire defense equipment officer's qualification examination conducted by a person designated under the provision of Article 17-9, paragraph (1) (hereinafter referred to as a

"designated examining body" in this paragraph), pay such fees to the designated examining body, thereby treating such fees as the designated examining body's income, as provided for by prefectural ordinance.

Article 17-12 A fire defense equipment officer shall conduct the duties assigned thereto sincerely, and strive to improve the quality of the equipment, etc. subject to construction or improvement work.

Article 17-13 A fire defense equipment officer, when he/she engages in the duties assigned thereto, shall carry his/her fire defense equipment officer's license.

Article 17-14 When a Class A fire defense equipment officer intends to conduct construction work specified by Cabinet Order under the provision of Article 17-5, he/she shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, notify a fire chief or fire station chief of the type of the equipment, etc. subject to construction or improvement work, the site of the construction work and other necessary matters no later than ten days prior to the day on which the construction work is to be commenced.

Article 18 (1) No person shall use, damage or remove or interfere with the legitimate use of a fire alarm system, fire hydrant, water storage facility used for fire defense or watchtower or alarm bell tower used for fire defense without due cause.

(2) No person shall use a fire defense signal specified by Ordinance of the Ministry of Internal Affairs and Communications or any signal similar thereto without due cause.

Article 19 Deleted

Article 20 (1) The standards for water sources necessary for fire defense shall be recommended by the Fire and Disaster Management Agency.

(2) Water facilities necessary for fire defense shall be installed, maintained and managed by each municipality; provided, however, that the waterworks shall be established, maintained and management by the manager of the waterworks.

Article 21 (1) A fire chief or fire station chief may designate a pond, fountain, water well, water tank or any other water sources available for fire defense as water sources for fire defense, and keep them ready to use at all times, with the consent of the owner, manager or possessor thereof.

(2) A fire chief or fire station chief shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, post a sign for the water

sources for fire defense designated under the provision of the preceding paragraph.

- (3) A person who intends to make a change to or remove the water sources set forth in paragraph (1) or keep them in an unusable condition shall notify the competent fire chief or fire station chief in advance.

Chapter IV-2 Inspection, etc. of Machine or Tool, etc. Used for Fire Defense **Section 1 Inspection of Machine or Tool, etc. Subject to Inspection**

Article 21-2 (1) With regard to a machine, tool or equipment, fire extinguishing agent or fireproof paint, fireproofing solution or any other fireproofing agent (hereinafter referred to as a "machine or tool, etc. used for fire defense"), which is likely to seriously hinder any act of preventing or guarding against fire, fire extinguishing activities or rescuing human life, etc. if it does not have a certain shape, structure, materials, ingredients and performance (hereinafter referred to as a "shape, etc.") and is found, in light of the status of the use thereof, to be required to undergo an inspection before its use in terms of whether or not it has such shape, etc. and which is specified by Cabinet Order (hereinafter referred to as a "machine or tool, etc. subject to inspection"), an inspection shall be conducted as provided for in this Section.

- (2) The term "model approval" as used in this Section means approval which to the effect that the shape, etc. of the model of a machine or tool, etc. subject to inspection conforms to the technical specifications for the machine or tool, etc. subject to inspection specified by Ordinance of the Ministry of Internal Affairs and Communications.
- (3) The term "lot inspection" as used in this Section means an inspection in terms of whether or not the shape, etc. of each individual machine or tool, etc. subject to inspection is identical to the shape, etc. of the model of the machine or tool, etc. subject to inspection for which model approval has been granted.
- (4) No machine or tool, etc. subject to inspection shall be sold or displayed for sale unless a label as set forth in Article 21-9, paragraph (1) (including cases where applied *mutatis mutandis* pursuant to Article 21-11, paragraph (3); hereinafter the same shall apply in this paragraph) is affixed to it, and no machine or tool, etc. subject to inspection which is a machine or tool or equipment used for fire defense shall be used for construction work under contract for the installation, change or repair thereof unless a label as set forth in Article 21-9, paragraph (1) is affixed to it.

Article 21-3 (1) A person who intends to obtain model approval shall, in advance, undergo a test for a machine or tool, etc. subject to inspection conducted by the Japan Fire Equipment Inspection Institute (hereinafter referred to as the

"Institute") or a juridical person registered by the Minister of Internal Affairs and Communications.

- (2) A person who intends to undergo a test set forth in the preceding paragraph shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, apply to the Institute or a juridical person registered under the provision of said paragraph by attaching, to a written application, a sample of a machine or tool, etc. subject to inspection and documents as specified by Ordinance of the Ministry of Internal Affairs and Communications.
- (3) Upon receiving the application set forth in the preceding paragraph, the Institute or a juridical person registered under the provision of paragraph (1) shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, conduct a test of a machine or tool, etc. subject to inspection for which the application has been filed, based on the technical specifications prescribed in paragraph (2) of the preceding Article, and give notice of the test result to the person who has filed the application set forth in the preceding paragraph, with its opinions on such result attached thereto.

Article 21-4 (1) When a person who has received a notice of the test result set forth in paragraph (3) of the preceding Article (including cases where applied *mutatis mutandis* pursuant to Article 21-11, paragraph (3)) intends to obtain model approval, he/she shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, apply to the Minister of Internal Affairs and Communications by attaching, to a written application, a document stating the test result and his/her opinions on such result.

- (2) Upon receiving the application set forth in the preceding paragraph, the Minister of Internal Affairs and Communications shall examine, while referring to the document stating the test result and the applicant's opinions set forth in said paragraph, whether or not the shape, etc. of the model of the machine or tool, etc. subject to inspection for which the application has been filed conforms to the technical specifications prescribed in Article 21-2, paragraph (2), and if he/she judges said shape, etc. to conform to the technical specifications prescribed in said paragraph, he/she shall grant model approval for said model.
- (3) The Minister of Internal Affairs and Communications, when he/she has granted model approval pursuant to the provision of the preceding paragraph, shall give notice to the person who has filed the application set forth in paragraph (1) and also give public notice to that effect.

Article 21-5 (1) If there has been any revision to the technical specifications prescribed in Article 21-2, paragraph (2) and the shape, etc. of a machine or tool, etc. subject to inspection for which model approval has already been

granted is now found to fail to conform to the revised technical specifications prescribed in said paragraph, the Minister of Internal Affairs and Communications shall invalidate the model approval or decide to invalidate the model approval after the expiration of a certain period.

- (2) When the Minister of Internal Affairs and Communications has, pursuant to the provision of the preceding paragraph, invalidated the model approval or decided to invalidate the model approval after the expiration of a certain period, he/she shall give public notice and also give notice to the person who obtained the model approval to that effect.
- (3) The disposition made under the provision of paragraph (1) shall be effective when public notice thereof is given pursuant to the provision of the preceding paragraph.

Article 21-6 (1) When a person who has obtained model approval falls under any of the following items, the Minister of Internal Affairs and Communications may invalidate the model approval:

- (i) when the person has obtained the model approval by wrongful means; or
 - (ii) when the person, without justifiable grounds, has not filed an application for a lot inspection of the machine or tool, etc. subject to inspection for which the model approval was granted within two years after the day on which he/she received a notice of the model approval, or does not file such an application for two consecutive years or more.
- (2) The provision of paragraph (2) of the preceding Article shall apply *mutatis mutandis* where the model approval has been invalidated pursuant to the provision of the preceding paragraph, and the provision of paragraph (3) of said Article shall apply *mutatis mutandis* to the coming into effect of the disposition under the provision of the preceding paragraph.

Article 21-7 When a person who has obtained model approval pursuant to the provision of Article 21-4, paragraph (2) intends to undergo a lot inspection of the machine or tool, etc. subject to inspection for which the model approval has been granted, he/she shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, apply to the Institute or a juridical person registered under the provision of Article 21-3, paragraph (1) which has conducted the test of the machine or tool, etc. subject to inspection through which the model approval has been granted.

Article 21-8 Upon receiving the application set forth in the preceding Article, the Institute or a juridical person registered under the provision of Article 21-3, paragraph (1) shall conduct a lot inspection of the machine or tool, etc. subject to inspection for which the application has been filed, and if the shape, etc. of

the machine or tool, etc. subject to inspection for which the application has been filed is identical to the shape, etc. of the model of the machine or tool, etc. subject to inspection for which model approval has been granted under the provision of Article 21-4, paragraph (2), the Institute or juridical person shall have the machine or tool, etc. subject to inspection for which the application has been filed pass the lot inspection.

Article 21-9 (1) The Institute or a juridical person registered under the provision of Article 21-3, paragraph (1) shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, affix a label to the machine or tool, etc. subject to inspection that has passed a lot inspection under the provision of the preceding Article, in order to indicate that the model of said machine or tool, etc. subject to inspection has been granted model approval under the provision of Article 21-4, paragraph (2) and that said machine or tool, etc. subject to inspection has passed a lot inspection under the provision of the preceding Article.

(2) Except in the case prescribed in the preceding paragraph, no person shall affix a label set forth in said paragraph or any label confusingly similar to a label set forth in said paragraph to any machine or tool, etc. used for fire defense.

Article 21-10 When the model approval has lost its effect due to a disposition to invalidate the model approval under the provision of Article 21-5, paragraph (1) or the expiration of the period set forth in said paragraph or due to a disposition under the provision of Article 21-6, paragraph (1), the decision already made by the Institute or juridical person registered under the provision of Article 21-3, paragraph (1) to have the machine or tool, etc. subject to inspection for which the model approval has been granted pass a lot inspection shall lose its effect.

Article 21-11 (1) Where the Institute or a juridical person registered under the provision of Article 21-3, paragraph (1) is no longer, in whole or in part, capable of conducting a test or lot inspection of a machine or tool, etc. subject to inspection and it has become difficult for the Institute or juridical person to conduct the operations for such test or lot inspection, the Minister of Internal Affairs and Communications may, when he/she finds it particularly necessary, conduct the test of a machine or tool, etc. subject to inspection based on an application from a person who intends to obtain model approval, or conduct a lot inspection of a machine or tool, etc. subject to inspection based on an application from a person who has obtained model approval and intends to undergo a lot inspection.

- (2) Where the Minister of Internal Affairs and Communications conducts a test or lot inspection pursuant to the provision of the preceding paragraph, he/she shall, in advance, give public notice of the type of machine or tool, etc. subject to inspection for which he/she will conduct the test or lot inspection, and the period during which he/she will conduct the test and lot inspection
- (3) The provisions of Article 21-3, paragraph (2) and paragraph (3) shall apply mutatis mutandis where the Minister of Internal Affairs and Communications conducts a test pursuant to the provision of paragraph (1), the provisions of Article 21-7, Article 21-8 and Article 21-9 shall apply mutatis mutandis where the Minister of Internal Affairs and Communications conducts a lot inspection of a machine or tool, etc. subject to inspection pursuant to the provision of said paragraph, and the provision of the preceding Article shall apply mutatis mutandis to the validity of the passing of a lot inspection decided on by the Minister of Internal Affairs and Communications.
- (4) During the period specified in public notice under the provision of paragraph (2), the Institute shall not conduct a test or lot inspection of the type of the machine or tool, etc. subject to inspection which is designated by public notice under the provision of said paragraph.

Article 21-12 Upon finding any machine or tool, etc. subject to inspection to which a label is affixed under the provision of Article 21-9, paragraph (1) (including cases where applied mutatis mutandis pursuant to paragraph (3) of the preceding Article; hereinafter the same shall apply in this Article) and where the passing of a lot inspection has lost its effect under the provision of Article 21-10 (including cases where applied mutatis mutandis pursuant to paragraph (3) of the preceding Article), or any machine or tool, etc. used for fire defense to which a label as set forth in Article 21-9, paragraph (1) is affixed without complying with the provision of said paragraph or to which a label confusingly similar to a label as set forth in said paragraph is affixed, if such machine or tool, etc. is located in the office, place of business or warehouse of a person engaged in the business of selling a machine or tool, etc. used for fire defense or person engaged in the business of conducting construction work under contract for the installation, change or repair of a machine or tool or equipment used for fire defense (hereinafter referred to as a "seller, etc."), the Minister of Internal Affairs and Communications may have his/her official remove said label or affix a cancellation mark thereon.

Article 21-13 (1) The Minister of Internal Affairs and Communications may, to the extent necessary for exercising the authority prescribed in the preceding Article, have a seller, etc. make reports on the business thereof, or have his/her official enter the office, place of business or warehouse of a seller, etc. and

inspect the status of the machine or tool, etc. used for fire defense, books, documents and any other objects or ask questions of any related person.

(2) An officer set forth in the preceding paragraph, when he/she enters the place under the provision of the preceding paragraph, shall carry his/her identification card and present it to any relevant person.

(3) The authority to conduct an on-site inspection pursuant to the provision of paragraph (1) shall not be construed to be vested for the purpose of crime investigation.

Article 21-14 Deleted

Article 21-15 (1) A person who intends to undergo a test or lot inspection conducted by the Minister of Internal Affairs and Communications pursuant to the provision of Article 21-11, paragraph (1) shall, as provided for by Cabinet Order, pay the amount of fees which is specified by Cabinet Order in consideration of the actual costs.

(2) The fees set forth in the preceding paragraph, which pertain to a test or lot inspection conducted by the Minister of Internal Affairs and Communications, shall be treated as national revenue.

Article 21-16 A application for examination under the Administrative Appeal Act may be filed with the Minister of Internal Affairs and Communications against a disposition on a lot inspection made by the Institute or a juridical person registered under the provision of Article 21-3, paragraph (1).

Section 2 Labeling, etc. for Machine or Tool, etc. Subject to Self-Labeling

Article 21-16-2 No machine or tool, etc. used for fire defense, other than a machine or tool, etc. subject to inspection, which is likely to seriously hinder the prevention of or guard against fire, fire extinguishing activities or rescue of human life, etc. if it does not have a certain shape, etc. and which is specified by Cabinet Order (hereinafter referred to as a "machine or tool, etc. subject to self-labeling"), shall be sold or displayed for sale unless a label set forth in paragraph (1) of the following Article is affixed to it, and no machine or tool, etc. subject to self-labeling which is a machine or tool or equipment used for fire defense shall be used for construction work under contract for the installation, change or repair thereof unless a label set forth in said paragraph is affixed to it.

Article 21-16-3 (1) A person engaged in the business of manufacturing or importing a machine or tool, etc. subject to self-labeling may, as provided for by

Ordinance of the Ministry of Internal Affairs and Communications, affix a label to the machine or tool, etc. subject to self-labeling whose shape, etc. conforms to the technical specifications for the machine or tool, etc. subject to self-labeling which are specified by Ordinance of the Ministry of Internal Affairs and Communications, in order to indicate that the machine or tool, etc. conforms to said technical specifications.

- (2) Except in the case prescribed in the preceding paragraph, no person shall affix a label set forth in said paragraph or any label confusingly similar to a label set forth in said paragraph to any machine or tool, etc. used for fire defense.

Article 21-16-4 (1) When a person engaged in the business of manufacturing or importing a machine or tool, etc. subject to self-labeling intends to affix a label set forth in paragraph (1) of the preceding Article to the machine or tool, etc. subject to self-labeling, he/she shall, in advance, notify the Minister of Internal Affairs and Communications of the following matters, as provided for by Ordinance of the Ministry of Internal Affairs and Communications:

- (i) his/her name and address, and if the person is a juridical person, the name of its representative; and
- (ii) the type of the machine or tool, etc. subject to self-labeling and other matters specified by Ordinance of the Ministry of Internal Affairs and Communications.

- (2) A person who has made a notification under the provision of the preceding paragraph shall, when there has been a change to any of the matters listed in the items of said paragraph or when he/she has abolished the business of manufacturing or importing a machine or tool, etc. subject to self-labeling, notify the Minister of Internal Affairs and Communications to that effect without delay, as provided for by Ordinance of the Ministry of Internal Affairs and Communications.

Article 21-16-5 Upon finding any machine or tool, etc. used for fire defense to which a label set forth in Article 21-16-3, paragraph (1) is affixed without complying with the provision of said paragraph or to which a label confusingly similar to a label set forth in said paragraph is affixed, if such machine or tool, etc. is located in the office, place of business or warehouse of a seller, etc., the Minister of Internal Affairs and Communications may order the seller, etc. to remove said label or affix a cancellation mark thereon.

Article 21-16-6 (1) The Minister of Internal Affairs and Communications may, to the extent necessary for exercising the authority prescribed in the preceding Article, have a seller, etc. make reports on the business thereof, or have his/her

official enter the office, place of business or warehouse of a seller, etc. and inspect the status of the machine or tool, etc. used for fire defense, books, documents and any other objects or ask questions of any related person.

- (2) An officer set forth in the preceding paragraph shall, when he/she enters the place under the provision of the preceding paragraph, carry his/her identification card and present it to any relevant person.
- (3) The authority to conduct an on-site inspection pursuant to the provision of paragraph (1) shall not be construed to be vested for the purpose of crime investigation.

Chapter IV-3 Japan Fire Equipment Inspection Institute, etc.

Section 1 Japan Fire Equipment Inspection Institute

Subsection 1 General Provisions

Article 21-17 The purpose of the Japan Fire Equipment Inspection Institute is to conduct a test and lot inspection of a machine or tool, etc. subject to inspection, an evaluation of the performance of special fire defense equipment, etc., and research, investigations, tests or the like concerning a machine or tool, etc. used for fire defense, thereby contributing to the mitigation of damage arising from fires and other disasters.

Article 21-18 The Japan Fire Equipment Inspection Institute (hereinafter referred to as the "Institute" in this Section) shall be a juridical person.

Article 21-19 (1) The Institute shall have its principal office in Tokyo.
(2) The Institute may have its secondary offices in other places as necessary.

Article 21-20 (1) The articles of incorporation of the Institute shall specify the following matters:

- (i) the purpose;
 - (ii) the name;
 - (iii) the location of each office;
 - (iv) the number, term of office and appointment method of officers and other matters concerning officers;
 - (v) the matters concerning the board of councilors;
 - (vi) the matters concerning the operations and execution thereof;
 - (vii) the matters concerning the finance and accounting;
 - (viii) the matters concerning the amendment of the articles of incorporation;
- and
- (ix) the method of giving public notice.

(2) The amendment of the articles of incorporation of the Institute shall not be

effective unless authorized by the Minister of Internal Affairs and Communications.

Article 21-21 (1) The Institute shall complete registration as provided for by Cabinet Order.

(2) The matters that are required to be registered under the provision of the preceding paragraph may not be duly asserted against a third party until after they have been registered.

Article 21-22 No person other than the Institute shall use the name "Japan Fire Equipment Inspection Institute."

Article 21-23 The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations shall apply mutatis mutandis to the Institute.

Subsection 2 Officers, etc.

Article 21-24 The Institute shall have a president, directors and auditors as its officers.

Article 21-25 (1) The president shall represent the Institute and preside over its operations.

(2) The directors shall, as provided for by the president, administer the operations of the Institute while assisting the president, perform the duties of the president in his/her place when the president is unable to carry out his/her duties, and perform the duties of the president when the post is vacant.

(3) The auditors shall audit the operations of the Institute.

(4) The auditors may submit their opinions to the president or to the Minister of Internal Affairs and Communications when they find it necessary based on the audit results.

Article 21-26 The appointment and dismissal of an officer shall not be effective unless authorized by the Minister of Internal Affairs and Communications.

Article 21-27 A person who falls under any of the following items may not become an officer:

(i) an employee of the national government or a local government (excluding a part-time employee);

(ii) a seller, etc., or in cases where a seller, etc. is a juridical person, its officer (including a person who has the same or a greater level of authority or

- control than an officer, irrespective of his/her title); or
- (iii) an officer of an association of sellers, etc. (including a person who has the same or a greater level of authority or control than an officer, irrespective of his/her title).

Article 21-28 When an officer has come to fall under any of the items of the preceding Article, the Institute shall dismiss such officer.

Article 21-29 (1) When an officer has committed an act in violation of this Act (including orders or dispositions under this Act), the articles of incorporation or a statement of operational procedures, or committed a highly inappropriate act in connection with the operations of the Institute, the Minister of Internal Affairs and Communications may specify a period and order the Institute to dismiss such officer within such period.

(2) Where an officer has come to fall under any of the items of Article 21-27, if the Institute does not dismiss such officer or the Institute does not comply with the order issued under the provision of the preceding paragraph, the Minister of Internal Affairs and Communications may dismiss the officer.

Article 21-30 An officer shall not become an officer of any profit-oriented association or engage him/herself in any profit-making business; provided, however, that this shall not apply to a part-time officer who has obtained approval to do so from the Minister of Internal Affairs and Communications.

Article 21-31 The president shall not have the authority of representation with regard to any matters whereby the interests of the Institute and the interests of the president conflict with each other. In this case, an auditor shall represent the Institute.

Article 21-32 The president may appoint an agent, from among the directors or employees of the Institute, who shall have the authority to act in or out of court on behalf of the Institute with regard to the operations conducted at the Institute's secondary offices.

Article 21-32-2 (1) The Institute shall have a board of councilors as its organ in charge of deliberating important matters concerning its administration.

(2) The board of councilors shall consist of not more than ten councilors.

(3) The councilors shall be appointed by the president, with the authorization of the Minister of Internal Affairs and Communications, from among persons with the knowledge and experience necessary for the proper administration of the operations of the Institute.

Article 21-33 Employees of the Institute shall be appointed by the president.

Article 21-34 Officers or employees of the Institute or persons who have held those posts shall not divulge or misappropriate any secret that they have come to know in the course of performing their duties.

Article 21-35 With regard to the application of the Penal Code and other penal provisions, officers and employees of the Institute shall be deemed to be personnel engaged in public service under laws and regulations.

Subsection 3 Operations

Article 21-36 (1) In order to achieve the purpose set forth in Article 21-17, the Institute shall conduct the following operations:

- (i) conducting a test of a machine or tool, etc. subject to inspection pursuant to the provision of Article 21-3;
 - (ii) conducting a lot inspection pursuant to the provision of Article 21-8;
 - (iii) conducting an evaluation of the performance of special fire defense equipment, etc. pursuant to the provision of Article 17-2, paragraph (1);
 - (iv) stating opinions to the Minister of Internal Affairs and Communications with regard to the technical matters concerning a machine or tool, etc. subject to inspection;
 - (v) conducting research, investigations and tests concerning a machine or tool, etc. used for fire defense;
 - (vi) conducting an appraisal of a machine or tool, etc. used for fire defense;
 - (vii) conducting operations incidental to those listed in the preceding items;
and
 - (viii) in addition to what is listed in each of the preceding items, conducting other operations necessary for achieving the purpose set forth in Article 21-17.
- (2) The Institute shall obtain authorization from the Minister of Internal Affairs and Communications when it intends to conduct the operations listed in item (viii) of the preceding paragraph.
- (3) In addition to conducting the operations set forth in paragraph (1), the Institute may, to the extent that it will not hinder the smooth execution of such operations, conduct research, investigations, tests or the like by using the machinery and equipment or technology that it owns for the purpose of conducting the operations set forth in said paragraph, and conduct other operations where it is found appropriate for the Institute to do so, with the authorization of the Minister of Internal Affairs and Communications.

Article 21-37 (1) The Institute shall, upon commencing the operations, prepare a statement of operational procedures and obtain authorization from the Minister of Internal Affairs and Communications. The same shall apply when it intends to revise the statement.

(2) The matters to be included in the statement of operational procedures set forth in the preceding paragraph shall be specified by Ordinance of the Ministry of Internal Affairs and Communications.

Subsection 4 Finance and Accounting

Article 21-38 The business year of the Institute shall commence on April 1 of each year and end on March 31 of the following year.

Article 21-39 The Institute shall prepare a budget and business plan for each business year, and obtain authorization from the Minister of Internal Affairs and Communications prior to the commencement of the business year. The same shall apply when the Association intends to revise the budget and business plan.

Article 21-40 (1) The Institute shall prepare an inventory of assets, a balance sheet and profit and loss statement (referred to as "financial statements" in the following paragraph) for each business year, and submit them to the Minister of Internal Affairs and Communications within three months after the end of the business year.

(2) The Institute, when it submits financial statements to the Minister of Internal Affairs and Communications pursuant to the provision of the preceding paragraph, shall attach the business report of the business year and the statement of accounts prepared according to the budgetary categories as well as the auditors' written opinions regarding the financial statements and statement of accounts.

Article 21-41 In addition to what is provided for in this Act, the necessary matters concerning the finance and accounting of the Institute shall be prescribed by Ordinance of the Ministry of Internal Affairs and Communications.

Subsection 5 Supervision

Article 21-42 (1) The Institute shall be supervised by the Minister of Internal Affairs and Communications.

(2) The Minister of Internal Affairs and Communications, when he/she finds it necessary in order to enforce the provisions of this Chapter, may issue to the Institute an order necessary for the supervision of its operations.

Article 21-43 (1) The Minister of Internal Affairs and Communications, when he/she finds it necessary in order to enforce the provisions of this Chapter, may have the Institute make reports on its operations, or have his/her official enter the Institute's office or other place of business and inspect the status of the operations or its books, documents and any other necessary objects.

(2) An officer who conducts an on-site inspection under the provision of the preceding paragraph shall carry his/her identification card and present it to any relevant person.

(3) The authority to conduct an on-site inspection pursuant to the provision of paragraph (1) shall not be construed to be vested for the purpose of crime investigation.

Subsection 6 Miscellaneous Provisions

Article 21-44 The dissolution of the Institute shall be provided for separately by an Act.

Section 2 Registered Inspection Body

Article 21-45 A registration under the provisions of Article 17-2, paragraph (1) or Article 21-3, paragraph (1) (hereinafter simply referred to as a "registration" in this Section) shall be made upon application from a juridical person which intends to conduct an evaluation of the performance of special fire defense equipment, etc. and a test and lot inspection of a machine or tool, etc. subject to inspection (hereinafter referred to as an "inspection, etc." in this Section), for each category of operation listed in the following:

- (i) conducting an evaluation of the performance of special fire defense equipment, etc.;
- (ii) conducting a test and lot inspection of a machine or tool, etc. subject to inspection which is intended for fire extinguishing;
- (iii) conducting a test and lot inspection of a machine or tool, etc. subject to inspection which is intended for fire detection and alarms (excluding those listed in the preceding item); and
- (iv) conducting a test and lot inspection of a machine or tool, etc. subject to inspection which is intended for the rescue of human life and any other machine or tool, etc. subject to inspection (excluding those listed in the preceding two items).

Article 21-46 (1) The Minister of Internal Affairs and Communications shall register a person who has applied for registration under the provision of the preceding Article (hereinafter referred to as an "applicant for registration") if the applicant satisfies the following requirements. In this case, the necessary registration procedure shall be specified by Ordinance of the Ministry of Internal Affairs and Communications:

- (i) the applicant for registration has personnel who conform to the conditions specified in the right-hand column of Appended Table 2 according to the categories of operations listed in the left-hand column of said table;
- (ii) the applicant for registration holds the machine or tool and other equipment specified in the right-hand column of Appended Table 3 according to the categories of operations listed in the left-hand column of said table;
- (iii) the applicant for registration, as a person controlled by a business operator engaged in designing, manufacturing, processing or selling or displaying for sale special fire defense equipment, etc. which must undergo a performance evaluation under the provision of Article 17-2, paragraph (1) or machine or tool, etc. subject to inspection which must undergo a test under the provision of Article 21-3, paragraph (1) (hereinafter referred to as a "business operator" in this item and Article 21-52, paragraph (3)), falls under none of the following:
 - (a) where the applicant for registration is a stock company, the business operator is the company's parent juridical person (meaning a parent juridical person prescribed in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005));
 - (b) more than half of the officers (in the case of a membership company (meaning a membership company prescribed in Article 575, paragraph (1) of the Companies Act), the members executing the business) of the applicant for registration are officers or employees of the business operator (including persons who have been officers or employees of the business operator in the past two years); or
 - (c) the representative officer of the applicant for registration is an officer or employee of the business operator (including a person who has been an officer or employee of the business operator in the past two years); and
- (iv) the applicant for registration conforms to the following standards as required for properly conducting the operations of an inspection, etc.:
 - (a) full-time managers shall be assigned to the departments in charge of conducting the operations of an inspection, etc. for the respective categories of operations listed in the items of the preceding Article;
 - (b) documents have been prepared for managing the operations of an inspection, etc. and ensuring the accuracy thereof; and

- (c) a specialized department in charge of managing the operations of an inspection, etc. and ensuring the accuracy thereof shall be established as stated in the documents listed in (b).
- (2) The Minister of Internal Affairs and Communications shall not register a juridical person which has filed an application under the provision of the preceding Article if the juridical person falls under any of the following items:
- (i) the juridical person or its officer executing the business was sentenced to punishment for violating this Act or any order under this Act, where a period of two years has not elapsed from the day on which the execution of the sentence was completed or such person or officer became free from the execution of the sentence;
 - (ii) the juridical person's registration was rescinded pursuant to the provisions of Article 21-57, paragraph (1) or paragraph (2), where a period of two years has not elapsed from the date of the rescission; or
 - (iii) in the case of the juridical person whose registration was rescinded under the provisions of Article 21-57, paragraph (1) or paragraph (2), a person who had been the juridical person's officer executing the business within 30 days prior to the date of the rescission currently serves as an officer executing the business, where a period of two years has not elapsed from the date of the rescission.
- (3) A registration shall be made by making an entry of the following matters in the registry of a registered inspection body:
- (i) the date of registration and the registration number;
 - (ii) the name of the registered juridical person, the name of its representative, and the location of its principal office;
 - (iii) the category of operation registered; and
 - (iv) the location of the office where an inspection, etc. is to be conducted.

Article 21-47 (1) A registration, unless it is renewed at an interval of not less than three years as specified by Cabinet Order, shall lose its effect upon the expiration of such period.

- (2) A juridical person which intends to renew its registration shall, as provided for by Cabinet Order, pay the amount of fees which is specified by Cabinet Order in consideration of the actual costs to the State.
- (3) The provisions of the preceding two Articles shall apply mutatis mutandis to the renewal of a registration set forth in paragraph (1).

Article 21-48 (1) The Minister of Internal Affairs and Communications, when he/she has made a registration, shall give public notice of the matters listed in the items of Article 21-46, paragraph (3).

- (2) When a registered juridical person (hereinafter referred to as a "registered

inspection body") intends to make a change to any of the matters listed in Article 21-46, paragraph (3), item (ii) and item (iv), it shall notify the Minister of Internal Affairs and Communications to that effect no later than two weeks prior to the day on which the change is scheduled.

- (3) When a notification is made under the provision of the preceding paragraph, the Minister of Internal Affairs and Communications shall give public notice to that effect.

Article 21-49 (1) A registered inspection body, when it is requested to conduct an inspection, etc., shall conduct an inspection, etc. without delay unless it has justifiable grounds not to do as requested.

- (2) A registered inspection body shall conduct an inspection, etc. fairly and through a procedure that conforms to the technical standards specified by Ordinance of the Ministry of Internal Affairs and Communications.

Article 21-50 (1) Officers or employees of a registered inspection body or persons who have held those posts shall not divulge or misappropriate any secret that they have come to know in the course of performing their duties.

- (2) With regard to the application of the Penal Code and other penal provisions, officers and employees of a registered inspection body who are engaged in conducting the operations of an inspection, etc. shall be deemed to be personnel engaged in public service under laws and regulations.

Article 21-51 (1) A registered inspection body shall establish operational rules with regard to the procedure of conducting an inspection, etc., the fees for an inspection, etc. and other matters concerning the implementation of the operations of an inspection, etc. which are specified by Ordinance of the Ministry of Internal Affairs and Communications, and obtain authorization from the Minister of Internal Affairs and Communications. The same shall apply when a designated examining body intends to revise the rules.

- (2) When the Minister of Internal Affairs and Communications finds that the operational rules for which he/she granted authorization under the provision of the preceding paragraph have become inappropriate for proper and reliable implementation of the operations of an inspection, etc., he/she may order the registered inspection body to revise the rules.

Article 21-52 (1) A registered inspection body shall prepare a business plan and an income and expenditure budget for each business year, and obtain authorization from the Minister of Internal Affairs and Communications prior to the commencement of the business year (or without delay after obtaining a registration in the case of the business year containing the date of the

registration). The same shall apply when the registered inspection body intends to revise the plan and budget.

- (2) A registered inspection body shall prepare an inventory of assets, balance sheet, profit and loss statement or statement of income and expenditure and business report (in cases where those documents are prepared in the form of an electromagnetic record (meaning a record made in an electronic form, a magnetic form, or any other form not recognizable to human perception, which is used in information processing by computers; hereinafter the same shall apply in this Article), including such electromagnetic record; referred to as "financial statements, etc." in the following paragraph and Article 46-3), and shall submit those documents to the Minister of Internal Affairs and Communications and keep them at its office for five years.
- (3) A business operator and any other interested person may make the following requests at any time during the business hours of a registered inspection body; provided, however, that when making a request set forth in item (ii) or item (iv), the requester shall pay the amount of expenses specified by the registered inspection body:
- (i) where financial statements, etc. are prepared in the form of documents, a request for inspection or copying of such documents;
 - (ii) a request for a transcript or extract of the documents set forth in the preceding item;
 - (iii) where financial statements, etc. are prepared in the form of an electromagnetic record, a request for the inspection or copying of the matters recorded in the electromagnetic record which are indicated by a method specified by Ordinance of the Ministry of Internal Affairs and Communications; and
 - (iv) a request for the provision of the matters recorded in an electromagnetic record set forth in the preceding item by electromagnetic means specified by Ordinance of the Ministry of Internal Affairs and Communications, or for the issuance of a document stating said matters.

Article 21-53 A registered inspection body shall, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, keep books stating the matters concerning the operations of an inspection, etc. which are specified by Ordinance of the Ministry of Internal Affairs and Communications, and preserve such books.

Article 21-54 (1) When the Minister of Internal Affairs and Communications finds that a registered inspection body no longer conforms to any of the items of Article 21-46, paragraph (1), he/she may order the registered inspection body to take the necessary measures to ensure compliance with these provisions.

(2) When the Minister of Internal Affairs and Communications finds that a registered inspection body is in violation of the provision of Article 21-49, he/she may order the registered inspection body to conduct an inspection, etc. or take the necessary measures concerning the improvement of the procedure of conducting an inspection, etc. and other operational procedures.

Article 21-55 (1) When the Minister of Internal Affairs and Communications finds it necessary in order to ensure the proper implementation of the operations of an inspection, etc., he/she may request a registered inspection body to make necessary reports on the status of the operations of an inspection, etc., or have his/her official enter the registered inspection body's office and inspect the status of the operations of an inspection, etc. or its equipment, books, documents and other necessary objects.

(2) An officer who conducts an on-site inspection under the provision of the preceding paragraph shall carry his/her identification card and present it to any relevant person.

(3) The authority to conduct an on-site inspection pursuant to the provision of paragraph (1) shall not be construed to be vested for the purpose of crime investigation.

Article 21-56 (1) A registered inspection body shall not suspend or abolish the whole or part of the operations of an inspection, etc., without the permission of the Minister of Internal Affairs and Communications.

(2) The Minister of Internal Affairs and Communications, when he/she has granted permission under the provision of the preceding paragraph, shall give public notice to that effect.

Article 21-57 (1) When a registered inspection body has come to fall under Article 21-46, paragraph (2), item (i) or item (iii), the Minister of Internal Affairs and Communications shall rescind its registration.

(2) When a registered inspection body falls under any of the following items, the Minister of Internal Affairs and Communications shall rescind its registration or specify a period and order it to suspend the whole or part of the operations of an inspection, etc.:

(i) when the registered inspection body has violated the provisions of Article 17-2 to Article 17-2-4, Section 1 of the preceding Chapter, or this Section;

(ii) when the registered inspection body is found to no longer satisfy the requirements set forth in the items of Article 21-46, paragraph (1);

(iii) when the registered inspection body has violated an order issued under the provisions of Article 21-51, paragraph (2) or Article 21-54;

(iv) when the registered inspection body has conducted the operations of an

- inspection, etc. not complying with the operational rules authorized under the provision of Article 21-51, paragraph (1); or
- (v) when the registered inspection body has refused a request made under the provisions of the items of Article 21-52, paragraph (3), without justifiable grounds ; or
- (vi) when the registered inspection body has obtained a registration by wrongful means
- (3) When the Minister of Internal Affairs and Communications has rescinded a registration pursuant to the provisions of the preceding two paragraphs or ordered the suspension of the whole or part of the operations of an inspection, etc. pursuant to the provision of the preceding paragraph, he/she shall give public notice to that effect.

Chapter V Guarding against Fire

- Article 22 (1) When the Director-General of the Meteorological Agency, the Director of a District Meteorological Observatory, the Director of the Okinawa Meteorological Observatory, the Director of a Local Meteorological Observatory or the head of a Weather Station finds the meteorological conditions in a certain area to be dangerous from a fire prevention perspective, he/she shall immediately report such condition to the prefectural governor who has jurisdiction over said area.
- (2) Upon receiving a report of the meteorological conditions set forth in the preceding paragraph, the prefectural governor shall immediately report the same to the municipal mayors.
- (3) A municipal mayor may issue a fire alarm when he/she has received a report set forth in the preceding paragraph or finds the meteorological conditions to be dangerous from a fire prevention perspective.
- (4) When an alarm has been issued under the provision of the preceding paragraph, those persons within the area of the municipality shall obey the restrictions on the use of fire as specified by municipal ordinance until the alarm is called off.

Article 23 A municipal mayor, when he/she finds it particularly necessary for guarding against a fire, may restrict an act of making a bonfire or smoking a cigarette within a certain area for a limited period.

Article 23-2 (1) In the event of the occurrence of a leakage, scattering or outflow of gas, explosives or hazardous materials, or any other accident, if it is found that there is a high fire risk due to such accident and if once a fire occurs, it is likely to seriously harm human life or property, a fire chief or fire station chief

may set a fire risk cautionary area and prohibit the use of fire within such area or order persons other than those specified by Ordinance of the Ministry of Internal Affairs and Communications to leave said area or prohibit or restrict such persons from accessing said area.

- (2) In the case referred to in the preceding paragraph, a police chief may exercise the authority set forth in the preceding paragraph when no fire chief or fire station chief or no firefighter or fire corps volunteer delegated by a fire chief or fire station chief to exercise the authority set forth in said paragraph is available at the scene of the accident, or when the police chief is required to do so by a fire chief or fire station chief. In this case, when the police chief has exercised said authority, he/she shall immediately give notice to the fire chief or fire station chief to that effect.

Chapter VI Fire Extinguishing Activities

Article 24 (1) A person who has found a fire shall report it to a fire station or a place designated by a municipal mayor without delay.

- (2) Every person shall cooperate with the reporting set forth in the preceding paragraph so that the report will reach its destination as fast as possible.

Article 25 (1) In the event of the occurrence of a fire, the person concerned with the property under fire defense measures or any other person specified by Ordinance of the Ministry of Internal Affairs and Communications shall carry out the activities for extinguishing the fire or preventing the spread of the fire or rescuing human life until a firefighting team arrives at the scene of the fire.

- (2) In the case referred to in the preceding paragraph, a person who is near the scene of the fire shall cooperate with the activities carried out by the persons listed in the preceding paragraph in extinguishing the fire or preventing the spread of the fire or in rescuing human life.
- (3) At the scene of a fire, a firefighter or fire corps volunteer may request the person concerned with the property under fire defense measures or any other person specified by Ordinance of the Ministry of Internal Affairs and Communications to provide information on the structure of the property under fire defense measures, the existence of any person who needs to be rescued, and other matters necessary for the activities for extinguishing the fire or preventing the spread of the fire or for rescuing human life.

Article 26 (1) When a fire engine is traveling to the scene of a fire, any vehicles, horses and pedestrians on the road shall make way for the fire engine.

- (2) The right of way of a fire engine shall be governed by the provisions of Article 40, Article 41-2, paragraph (1) and paragraph (2) and Article 75-6, paragraph

- (2) of the Road Traffic Act (Act No. 105 of 1960).
- (3) A fire engine may use a siren when it is mobilized to go to the scene of a fire and when the use of a siren is particularly necessary for drills and it has been publicly announced.
- (4) A fire engine, when returning to a fire station, etc., or in other cases, shall use a bell or alarm whistle and observe the general traffic rules.

Article 27 A firefighting team, when there is an urgent necessity in order to arrive at the scene of a fire, may pass down a route unavailable to general traffic or through vacant land or over a water surface unavailable for public use.

- Article 28 (1) At the scene of a fire, a firefighter or fire corps volunteer may set a fire defense cautionary area and order persons other than those specified by Ordinance of the Ministry of Internal Affairs and Communications to leave said area or prohibit or restrict such persons from accessing said area.
- (2) A police official may exercise the authority of a firefighter or fire corps volunteer as set forth in the preceding paragraph when no firefighter or fire corps volunteer is available at the scene of a fire, or when the police official is required to do so by a firefighter or fire corps volunteer.
- (3) When a fire defense cautionary area has been set as directed by the senior person in charge of the fire service at the scene of a fire, a police official who is at the scene shall be obliged to support such measure.

- Article 29 (1) When it is necessary in order to carry out the activities for extinguishing a fire or preventing the spread of a fire or rescuing human life, a firefighter or fire corps volunteer may use, dispose of or restrict the use of the property under fire defense measures in which a fire is about to occur or has occurred and the land on which such property is located.
- (2) When a fire chief or fire station chief, or a fire corps chief of a municipality which has no fire defense headquarters has made a reasonable judgment from the force of the fire, meteorological conditions and other surrounding circumstances, and finds it unavoidable for the prevention of the spread of the fire, he/she may use, dispose of or restrict the use of the property under fire defense measures which is threatened by the spreading fire and the land on which such property is located.
- (3) A fire chief or fire station chief, or a fire corps chief of a municipality which has no fire defense headquarters, when there is an urgent necessity for the activities of extinguishing a fire or preventing the spread of a fire or rescuing human life, may use, dispose of or restrict the use of a property under fire defense measures and land other than the property under fire defense

measures and land prescribed in the preceding two paragraphs. In this case, when a person who has suffered any loss from such measures claims compensation for such loss, the loss shall be compensated for at market value.

- (4) Costs required for paying compensation under the provision of the preceding paragraph shall be borne by the municipality concerned.
- (5) A firefighter or fire corps volunteer, when it is urgently necessary, may engage a person who is near the scene of a fire to carry out the activities of extinguishing the fire or preventing the spread of the fire or rescuing human life and other firefighting activities.

Article 30 (1) When it is urgently necessary in order to maintain a water supply at the scene of a fire, a fire chief or fire station chief, or a fire corps chief of a municipality which has no fire defense headquarters may use water sources or open or close an irrigation channel gate, sluice gate, or sluice valve of a waterworks.

- (2) A fire chief or fire station chief, or a fire corps chief of a municipality which has no fire defense headquarters may conclude an agreement with the owner, manager or possessor of water sources, in advance, with regard to the use and management of the water sources in the event of a fire.

Article 30-2 The provisions of Article 25, paragraph (3), Article 28, paragraph (1) and paragraph (2), and Article 29, paragraph (1) and paragraph (5) shall apply mutatis mutandis where a prefecture supports the fire services of a municipality pursuant to the provision of Article 30, paragraph (1) of the Fire Defense Organization Act. In this case, the phrase "firefighter or fire corps volunteer" in these provisions shall be deemed to be replaced with "firefighter or fire corps volunteer or a prefectural official belonging to an aviation firefighting team."

Chapter VII Investigation of Fire

Article 31 A fire chief or fire station chief shall, when carrying out fire extinguishing activities, commence an investigation into the cause of the fire, the damage arising from the fire and the execution of the fire extinguishing activities.

Article 32 (1) A fire chief or fire station chief may, when it is necessary in order to conduct an investigation pursuant to the provision of the preceding Article, ask questions of any related person.

- (2) A fire chief or fire station chief may request any relevant public agency to report the necessary matters concerning the investigation set forth in the

preceding Article.

Article 33 A fire chief or fire station chief, and an agent authorized by any relevant insurance company may investigate the property damaged or destroyed by a fire in order to determine the cause of the fire and the degree of the damage arising therefrom.

Article 34 (1) A fire chief or fire station chief, when it is necessary in order to conduct an investigation pursuant to the provision of the preceding Article, may order a person concerned to submit the necessary information materials or request such person to make reports, or have his/her fire defense personnel enter any place concerned and inspect the status of the property damaged or destroyed by the fire.

(2) The provisions of the proviso to Article 4, paragraph (1), and paragraph (2) to paragraph (4) of said Article shall apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 35 (1) When there is a suspicion that a fire has been caused by arson or by negligence, the principal responsibility and authority for the investigation of the cause of the fire shall be vested in a fire chief or fire station chief.

(2) When a fire chief or fire station chief finds that the crime of arson or crime of causing a fire by negligence has been committed, he/she shall immediately report it to the competent police station, and collect and preserve the necessary evidence, and shall observe any recommendation made by the Fire and Disaster Management Agency for cooperation in the investigation of the crime of arson or causing a fire by negligence.

Article 35-2 (1) When a police official has arrested a suspect for the crime of arson or causing a fire by negligence or seized any article of evidence of such crime, a fire chief or fire station chief may ask questions of the suspect or investigate the article of evidence in order to conduct an investigation as set forth in paragraph (1) of the preceding Article, until the case is referred to a public prosecutor.

(2) The questioning or investigation set forth in the preceding paragraph shall not hinder an investigation conducted by a police official.

Article 35-3 (1) In the area of a municipality which has no fire defense headquarters, the prefectural governor who has jurisdiction over said area may investigate the cause of a fire under the provisions of Article 31 or Article 33 only when he/she is requested to do so by the municipal mayor and when he/she finds it particularly necessary to do so.

(2) The provisions of Article 32 and Article 34 to the preceding Article shall apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, the term "his/her fire defense personnel" in Article 34, paragraph (1) shall be deemed to be replaced with "his/her official engaged in the fire service affairs of the prefecture," and the phrase "a fire chief or fire station chief" in Article 35, paragraph (1) shall be deemed to be replaced with "not only a municipal mayor but also a prefectural governor."

Article 35-3-2 (1) The Commissioner of the Fire and Disaster Management Agency may investigate the cause of a fire under the provisions of Article 31 or Article 33 only when he/she is requested to do so by a fire chief or a prefectural governor who shall investigate the cause of a fire under the provision of paragraph (1) of the preceding Article and when he/she finds it particularly necessary to do so.

(2) The provisions of Article 32, Article 34, Article 35, paragraph (1) and paragraph (2) (limited to the part pertaining to a recommendation) and Article 35-2 shall apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, the phrase "his/her fire defense personnel" in Article 34, paragraph (1) shall be deemed to be replaced with "an official of the Fire and Disaster Management Agency," the phrase "a fire chief or fire station chief" in Article 35, paragraph (1) shall be deemed to be replaced with "not only a fire chief or fire station chief but also the Commissioner of the Fire and Disaster Management Agency in the case of a fire occurring within the area of a municipality which has fire defense headquarters; not only a municipal mayor and a prefectural governor but also the Commissioner of the Fire and Disaster Management Agency in the case of a fire occurring within an area other than said area, where the prefectural governor investigates the cause of a fire under the provision of Article 35-3, paragraph (1); not only to a municipal mayor but also the Commissioner of the Fire and Disaster Management Agency in the case of a fire occurring within an area other than said area, where the prefectural governor does not investigate the cause of a fire notwithstanding the provision of said paragraph."

Article 35-4 (1) The provisions of this Chapter shall not relieve a police official from the responsibility of investigating a crime (including the crimes of arson and causing a fire by negligence) and arresting a suspect (including a person suspected of the crimes of arson and causing a fire by negligence).

(2) Firefighters and police officials shall cooperate with each other in order to achieve their common purpose of eradicating arson and fires caused by negligence.

Chapter VII-2 Ambulance Services

Article 35-5 Deleted

Article 35-6 (1) Where a prefectural governor finds that traffic accidents frequently occur on a certain section of a road within the area of a municipality which does not provide ambulance services, he/she may request another municipality which provides ambulance services to provide the ambulance services required for such traffic accidents, after hearing opinions from the relevant municipalities. In this case, the requested municipality may provide ambulance services as requested.

(2) With regard to a certain section of a national expressway or national road within the area of a municipality which does not provide ambulance services, if said section is specified as a section where it is particularly necessary to provide ambulance services required for traffic accidents (excluding the section of a road where ambulance services are provided as requested under the provision of the preceding paragraph), a prefecture shall provide such ambulance services, after hearing opinions from the municipality which does not provide the ambulance services. In this case, with regard to the application of the Local Public Service Act (Act No. 261 of 1950), an official engaged in the provision of ambulance services shall be treated as fire defense personnel.

Article 35-7 (1) An ambulance team member, when it is urgently necessary, may request a person who is near the scene where a person suffering an injury or contracting a disease as prescribed in Article 2, paragraph (9) is found, to cooperate with the ambulance services.

(2) An ambulance team member shall keep close contact with a police official when providing ambulance services.

Article 35-8 (1) The provision of Article 27 shall apply mutatis mutandis to an ambulance team. In this case, the phrase "arrive at the scene of a fire" shall be deemed to be replaced with "provide ambulance services."

(2) The provision of Article 39 of the Fire Defense Organization Act shall apply mutatis mutandis where a prefecture provides ambulance services pursuant to the provision of Article 35-6, paragraph (2). In this case, in Article 39 of said Act, the term "municipality" shall be deemed to be replaced with "municipality and prefecture," the term "fire defense" shall be deemed to be replaced with "ambulance services," and the term "municipal mayor" shall be deemed to be replaced with "municipal mayor and prefectural governor."

Article 35-9 In addition to what is prescribed in this Chapter, the standards for

the organization and equipment of an ambulance team and other necessary matters concerning the handling of ambulance services shall be prescribed by Cabinet Order.

Chapter VIII Miscellaneous Provisions

Article 35-10 The Minister of Internal Affairs and Communications, prefectural governors, municipal mayors, fire chiefs or fire station chiefs may make inquiries to or ask for cooperation from the relevant public agencies with regard to the affairs under the provisions of this Act, except for those otherwise provided for by other Acts.

Article 36 (1) The provisions of Article 8 to Article 8-2-3 shall apply mutatis mutandis to a building or another structure specified by Cabinet Order as one for which the respective measures set forth in these provisions are particularly necessary in order to mitigate any damage arising from disasters, other than fires, specified by Cabinet Order. In this case: in Article 8, paragraph (1) to paragraph (4), the term "fire prevention manager" shall be deemed to be replaced with "disaster prevention manager"; in Article 8, paragraph (1), the phrase "qualified persons specified by Cabinet Order" shall be deemed to be replaced with "qualified persons who have knowledge of the mitigation of the damage arising from fires and other disasters and who are specified by Cabinet Order," and the phrase "conduct drills for fire extinguishing activities, reporting and evacuation, inspect and improve the equipment used for fire defense, water supply for fire defense or facilities necessary for fire extinguishing activities, supervise the use or handling of fire, maintain and manage the structure and equipment necessary for evacuation or fire prevention, manage the capacity of the property at the appropriate level, and perform any other operations necessary for fire prevention management" shall be deemed to be replaced with "conduct drills for evacuation and perform any other operations necessary for disaster prevention management"; in Article 8, paragraph (4), Article 8-2, paragraph (1) and Article 8-2-2, paragraph (1), the phrase "for fire prevention management" shall be deemed to be replaced with "for disaster prevention management"; in Article 8-2-2, paragraph (1), the phrase "on the prevention of fire" shall be deemed to be replaced with "on the mitigation of the damage arising from disasters, other than fires, specified by Cabinet Order," and the phrase "the installation and maintenance of equipment used for fire defense, water supply for fire defense or facilities necessary for fire extinguishing activities and other matters necessary for prevention of fire" shall be deemed to be replaced with "and other matters necessary for the mitigation of the damage arising from disasters, other than

fires, specified by Cabinet Order"; in Article 8-2-2, paragraph (1) and paragraph (2) and Article 8-2-3, paragraph (1), item (ii)(d), the term "qualified inspector of property under fire prevention measures" shall be deemed to be replaced with "qualified inspector for disaster prevention management"; in Article 8-2-3, paragraph (1), item (ii)(a), and paragraph (6), item (ii) of said Article, the phrase "or Article 17-4, paragraph (1) or paragraph (2)" shall be deemed to be replaced with ", Article 17-4, paragraph (1) or paragraph (2), or Article 8, paragraph (3) or paragraph (4) as applied mutatis mutandis pursuant to Article 36, paragraph (1)."

- (2) With regard to a building or another structure as set forth in the preceding paragraph which falls within the scope of a property under fire prevention measures as set forth in Article 8, paragraph (1), the person who holds title to manage the building or other structure shall, notwithstanding the provision of Article 8, paragraph (1), have a fire prevention manager as set forth in paragraph (1) of said Article as applied mutatis mutandis by replacing the relevant term under the preceding paragraph, perform the operations necessary for fire prevention management that should be performed by a fire prevention manager as set forth in paragraph (1) of said Article.
- (3) With regard to a building or another structure as set forth in paragraph (1) which falls within the scope of a property under fire prevention measures as set forth in Article 8-2-2, paragraph (1), notwithstanding the provision of Article 8-2-2, paragraph (2), as applied directly or applied mutatis mutandis pursuant to paragraph (1), only where both an inspection directly under the provision of Article 8-2-2, paragraph (1) and an inspection under the provision of Article 8-2-2, paragraph (1) as applied mutatis mutandis pursuant to paragraph (1) (in the case of a building or another structure which is subject to management under separate titles, both an inspection directly under the provision of Article 8-2-2, paragraph (1) and an inspection under the provision of Article 8-2-2, paragraph (1) as applied mutatis mutandis pursuant to paragraph (1), covering the whole of the building or other structure (excluding the part for which a certification is granted under the provision of Article 8-2-3, paragraph (1) as applied directly or applied mutatis mutandis pursuant to paragraph (1))) are conducted, and as a result of those inspections, the matters subject to inspection pertaining to the building or other structure are judged by a qualified inspector of a property under fire prevention measures and a qualified inspector for disaster prevention management to conform to the inspection standards for both inspections, a label stating the date of inspection and other matters specified by Ordinance of the Ministry of Internal Affairs and Communications may be affixed to said building or other structure, as provided for by Ordinance of the Ministry of Internal Affairs and Communications.

- (4) With regard to a building or another structure as set forth in paragraph (1) which falls within the scope of a property under fire prevention measures as set forth in Article 8-2-2, paragraph (1), notwithstanding the provision of Article 8-2-3, paragraph (7) as applied directly or applied mutatis mutandis pursuant to paragraph (1), only where both a certification directly under the provision of Article 8-2-3, paragraph (1) and a certification under the provision of Article 8-2-3, paragraph (1) as applied mutatis mutandis pursuant to paragraph (1) (in the case of a building or another structure which is subject to management under separate titles, limited to cases where both a certification directly under the provision of Article 8-2-3, paragraph (1) and a certification under the provision of Article 8-2-3, paragraph (1) as applied mutatis mutandis pursuant to paragraph (1) were granted for the building or other structure as a whole), a label stating the date of certification and other matters specified by Ordinance of the Ministry of Internal Affairs and Communications may be affixed to said building or other structure, as provided for by Ordinance of the Ministry of Internal Affairs and Communications.
- (5) The provisions of Article 8-2-2, paragraph (3) and paragraph (4) shall apply mutatis mutandis to the label set forth in the preceding two paragraphs.
- (6) Where a fire defense organization for self-protection as set forth in Article 8-2-5, paragraph (1) has been set up for a building or another structure as set forth in paragraph (1), the fire defense organization for self-protection shall perform the operations necessary for mitigating any damage arising from fires or other disasters.
- (7) The provisions of Article 18, paragraph (2), Article 22, and Article 24 to Article 29, and the provisions of Article 25, paragraph (3), Article 28, paragraph (1) and paragraph (2) and Article 29, paragraph (1) and paragraph (5) which are applied mutatis mutandis pursuant to Article 30-2 shall apply mutatis mutandis to disasters other than flood disasters.

Article 36-2 Municipalities shall, in accordance with the standards which are specified by Ordinance of the Ministry of Internal Affairs and Communications while taking into consideration the population and other conditions, deploy firefighting teams equipped with special rescue equipment necessary for the rescue of human life under the provisions of this Act.

Article 36-2-2 The provisions of Article 27 and Article 30 shall apply mutatis mutandis where a warning declaration is issued as set forth in Article 2, item (xiii) of the Act on Special Measures Concerning Large Earthquakes (Act No. 73 of 1978). In this case, the phrase "the scene of a fire" in Article 27 shall be deemed to be replaced with "a place where there seems to be a high risk of damage (excluding damage due to flood disasters) occurring to human life or

property in the event of the occurrence of an earthquake indicated in earthquake prediction information as set forth in Article 2, item (iii) of the Special Measures Concerning Large Earthquakes," and the phrase "the scene of a fire" in Article 30, paragraph (1) shall be deemed to be replaced with "a place where there seems to be a high fire risk in the event of the occurrence of an earthquake indicated in earthquake prediction information as set forth in Article 2, item (iii) of the Special Measures Concerning Large Earthquakes."

Article 36-3 (1) Where a person who has been engaged in carrying out the activities for extinguishing a fire or preventing the spread of a fire or to rescue human life and other firefighting activities pursuant to the provisions of Article 25, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 36, paragraph (7)) or Article 29, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 30-2 and Article 36, paragraph (7)) or a person who has cooperated with the ambulance services provided by a municipality pursuant to the provision of Article 35-7, paragraph (1), has died, suffered an injury or contracted a disease, or become disabled, the municipality shall, as provided for by municipal ordinance in accordance with the standards specified by Cabinet Order, compensate for any damage suffered by such person or his/her surviving family due to such engagement or cooperation.

(2) In the case of a property under fire defense measures that exists as a building or another structure consisting of structurally divided portions which can be used independently as residences, stores, offices or warehouses or any other buildings (hereinafter referred to as "proprietary elements" in this Article), if a fire has occurred at one such proprietary element and a person engaged in carrying out the activities for extinguishing the fire or preventing the spread of the fire or to rescue human life under the provision of Article 25, paragraph (1), except for those listed in the following, has died, suffered an injury or contracted a disease, or become disabled due to such engagement, the provision of the preceding paragraph shall also apply to such person:

(i) the owner, manager or possessor of the proprietary element where the fire has occurred or any other related person as specified by Ordinance of the Ministry of Internal Affairs and Communications; and

(ii) where a person, as provided for by Ordinance of the Ministry of Internal Affairs and Communications, uses the proprietary element where the fire has occurred and other proprietary element(s) all together for the intended purpose of using them as residences, stores, offices or warehouses or any other buildings, the owner, manager or possessor of each of those proprietary elements used all together for such intended purpose, or any other related person as specified by Ordinance of the Ministry of Internal Affairs and

Communications (excluding those listed in the preceding item).

(3) The provision of paragraph (1) shall apply mutatis mutandis to a person who has cooperated with the ambulance services provided by a prefecture.

Article 36-4 Where a Cabinet Order or Ordinance of the Ministry of Internal Affairs and Communications is established, revised or repealed under the provisions of this Act, the necessary transitional measures (including transitional measures concerning penal provisions) may be provided for by Cabinet Order or Ordinance of the Ministry of Internal Affairs and Communications, respectively, to the extent considered reasonably necessary upon the establishment, revision or repeal.

Article 37 In areas where there are special wards, the terms "municipality", "municipal mayor" or "municipal ordinance" as used in the provisions of this Act shall be deemed to be replaced with "the metropolis", "metropolitan governor" or "metropolitan ordinance", respectively.

Chapter IX Penal Provisions

Article 38 A person who has, in violation of the provision of Article 18, paragraph (1), damaged or removed a watchtower or alarm bell tower used for fire defense without due cause shall be punished by imprisonment with work for not more than seven years.

Article 39 A person who has, in violation of the provision of Article 18, paragraph (1), damaged or removed a fire alarm system, fire hydrant or water storage facility used for fire defense without due cause shall be punished by imprisonment with work for not more than five years.

Article 39-2 (1) A person who has caused hazardous materials to leak, flow out, emit or scatter from a manufacturing facility, storage facility or handling facility, thereby causing a fire risk, shall be punished by imprisonment with work for not more than three years or a fine of not more than three million yen; provided, however, that no punishment shall be imposed if such person has not caused a danger to the public.

(2) A person who has committed the crime set forth in the preceding paragraph, thereby causing the death of or an injury to another, shall be punished by imprisonment with work for not more than seven years or a fine of not more than five million yen.

Article 39-2-2 (1) A person who has violated an order issued under the provision

of Article 5-2, paragraph (1) shall be punished by imprisonment with work for not more than three years or a fine of not more than three million yen.

(2) Both imprisonment with work and a fine may be imposed cumulatively on a person who has committed the crime set forth in the preceding paragraph, in light of his/her circumstances.

Article 39-3 (1) A person who has, due to his/her failure to take the due care required in the pursuit of social activities, caused hazardous materials to leak, flow out, emit or scatter from a manufacturing facility, storage facility or handling facility, thereby causing a fire risk, shall be punished by imprisonment with or without work for not more than two years or a fine of not more than two million yen; provided, however, that no punishment shall be imposed if such person has not caused a danger to the public.

(2) A person who has committed the crime set forth in the preceding paragraph, thereby causing the death of or an injury to another, shall be punished by imprisonment with or without work for not more than five years or a fine of not more than three million yen.

Article 39-3-2 (1) A person who has violated an order issued under the provision of Article 5, paragraph (1) shall be punished by imprisonment with work for not more than two years or a fine of not more than two million yen.

(2) Both imprisonment with work and a fine may be imposed cumulatively on a person who has committed the crime set forth in the preceding paragraph, in light of his/her circumstances.

Article 40 (1) A person who falls under any of the following shall be punished by imprisonment with work for not more than two years or a fine of not more than one million yen:

(i) a person who has intentionally obstructed a fire engine passing under the provision of Article 26, paragraph (1);

(ii) a person who has obstructed a fire corps volunteer carrying out fire extinguishing activities or activities to guard and protect against disasters other than flood disasters and provide aid; or

(iii) a person who has obstructed another person engaged in carrying out the activities for extinguishing a fire or preventing the spread of a fire or to rescue human life under the provisions of Article 25 (including cases where applied mutatis mutandis pursuant to Article 36) or Article 29, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 30-2 and Article 36, paragraph (7)).

(2) Both imprisonment with work and a fine may be imposed cumulatively on a person who has committed any of the crimes set forth in the preceding

paragraph, in light of his/her circumstances; provided, however, this shall not apply if said crime constitutes any crime stipulated in the Penal Code.

- (3) A person who has committed the crime set forth in paragraph (1), thereby causing the death of or an injury to another, shall be dealt with by an applicable punishment under this Act or that under the Penal Code, whichever is severer.

Article 41 (1) A person who falls under any of the following shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen:

- (i) a person who has violated an order issued under the provision of Article 5-3, paragraph (1);
 - (ii) a person who has violated an order issued under the provision of Article 8, paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 36, paragraph (1));
 - (iii) a person who has violated the provision of Article 10, paragraph (1);
 - (iv) a person who has violated the provision of Article 15; or
 - (v) a person who has, in violation of an order issued under the provisions of Article 17-4, paragraph (1) or paragraph (2), failed to install fire defense equipment, etc. or special fire defense equipment, etc.
- (2) Both imprisonment with work and a fine may be imposed cumulatively on a person who has committed any of the crimes set forth in the preceding paragraph, in light of his/her circumstances.

Article 41-2 A person who has violated the provision of Article 13-11, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 17-9, paragraph (4)) shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.

Article 41-3 Where an officer(s) or employee(s) of a person designated under the provisions of Article 13-5, paragraph (1) or Article 17-9, paragraph (1) has violated an order of suspension of the affairs concerning the implementation of a hazardous materials engineer's qualification examination or a fire defense equipment officer's qualification examination, which is issued under the provision of Article 13-18, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 17-9, paragraph (4)), they shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.

Article 41-4 A person who has violated the provisions of Article 16-32 or Article 21-34 shall be punished by imprisonment with work for not more than one year

or a fine of not more than one million yen.

Article 41-5 A person who has violated the provision of Article 21-50, paragraph (1) shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.

Article 41-6 Where an officer(s) or employee(s) of a person registered under the provisions of Article 17-2, paragraph (1) or Article 21-3, paragraph (1) has violated an order of suspension of the operations of an evaluation of the performance of special fire defense equipment, etc., and a test and lot inspection of a machine or tool, etc. subject to inspection, which is issued under the provision of Article 21-57, paragraph (2), they shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.

Article 42 (1) A person who falls under any of the following shall be punished by imprisonment with work for not more than six months or a fine of not more than 500,000 yen:

- (i) a person who has violated an order issued under the provision of Article 8, paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 36, paragraph (1));
- (ii) a person who has violated the provision of Article 11, paragraph (1);
- (iii) a person who has violated the provision of Article 11, paragraph (5);
- (iv) a person who has violated an order issued under the provisions of Article 12-2, paragraph (1) and paragraph (2);
- (v) a person who has violated an order or disposition issued or made under the provision of Article 12-3, paragraph (1);
- (vi) a person who has, in violation of the provision of Article 13, paragraph (1), conducted the business without appointing a hazardous materials security superintendent;
- (vii) a person who has violated the provision of Article 13, paragraph (3);
- (viii) a person who has stored or handled hazardous materials in violation of the provision of Article 14-2, paragraph (1), or has violated an order issued under the provision of paragraph (3) of said Article;
- (ix) a person who has violated an order issued under the provisions of Article 16-3, paragraph (3) or paragraph (4);
- (x) a person who has violated the provision of Article 17-5; or
- (xi) a person who has, when requested to provide information under the provision of Article 25, paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 30-2 and Article 36, paragraph (7)), failed to provide information without justifiable grounds or provided false information.

(2) Both imprisonment with work and a fine may be imposed cumulatively on a person who has committed any of the crimes set forth in the preceding paragraph, in light of his/her circumstances.

Article 43 (1) A person who falls under any of the following shall be punished by imprisonment with work for not more than three months or a fine of not more than 300,000 yen:

- (i) a person who has violated the provision of Article 10, paragraph (3);
- (ii) a person who has violated the provision of Article 16; or
- (iii) a person who has violated the provision of Article 16-2, paragraph (1).

(2) Both imprisonment with work and a fine may be imposed cumulatively on a person who has committed any of the crimes set forth in the preceding paragraph, in light of his/her circumstances.

Article 43-2 When an officer(s) or employee(s) of a person designated under the provisions of Article 13-5, paragraph (1) or Article 17-9, paragraph (1) has committed a violation which falls under any of the following, they shall be punished by a fine of not more than 300,000 yen:

- (i) where they have, in violation of the provision of Article 13-14 (including cases where applied mutatis mutandis pursuant to Article 17-9, paragraph (4)), failed to keep books or make any entry in the books, made false entries in the books, or failed to preserve the books;
- (ii) where they have, when requested to make reports under the provisions of Article 13-16, paragraph (1) or paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 17-9, paragraph (4)), failed to make the reports or made false reports, or has refused, obstructed or avoided an entry or inspection under these provisions; or
- (iii) where they have, without obtaining permission under the provision of Article 13-17, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 17-9, paragraph (4)), abolished the whole of the affairs concerning the implementation of a hazardous materials engineer's qualification examination or fire defense equipment officer's qualification examination.

Article 43-3 Where an officer(s) or employee(s) of the Hazardous Materials Safety Techniques Association (KHK) or the Japan Fire Equipment Inspection Institute has, when requested to make reports under the provisions of Article 16-48, paragraph (1) or Article 21-43, paragraph (1), failed to make the reports or made false reports, or has refused, obstructed or avoided an entry or inspection under these provisions, they shall be punished by a fine of not more than 300,000 yen.

Article 43-4 A person who has violated the provisions of Article 21-2, paragraph (4) or Article 21-16-2 shall be punished by a fine of not more than 300,000 yen.

Article 43-5 Where an officer(s) or employee(s) of a juridical person registered under the provisions of Article 17-2, paragraph (1) or Article 21-3, paragraph (1) has committed a violation which falls under any of the following, they shall be punished by a fine of not more than 300,000 yen.

- (i) where they have, in violation of the provision of Article 21-53, failed to keep books or make any entry in the books, made false entries in the books, or failed to preserve the books;
- (ii) where they have, when requested to make reports under the provision of Article 21-55, paragraph (1), failed make the reports or made false reports, or has refused, obstructed or avoided an entry or inspection under the provision of said paragraph; or
- (iii) where they have, without obtaining permission under the provision of Article 21-56, paragraph (1), abolished the whole of the operations of an evaluation of the performance of special fire defense equipment, etc., and a test and lot inspection of a machine or tool, etc. subject to inspection.

Article 44 A person who falls under any of the following shall be punished by a fine of not more than 300,000 yen or misdemeanor imprisonment without work:

- (i) a person who has disobeyed an order issued under the provision of Article 3, paragraph (1);
- (ii) a person who has, when requested to provide information materials or make reports under the provisions of Article 4, paragraph (1), Article 16-3-2, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 16-3-2, paragraph (4)), Article 16-5, paragraph (1) or Article 34, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 35-3, paragraph (2) or Article 35-3-2, paragraph (2)), failed to provide information materials or make reports or provided false information materials or made false reports, or has refused, obstructed or avoided an entry, inspection or taking away of articles under these provisions;
- (iii) a person who has violated the provisions of Article 8-2-2, paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 8-2-3, paragraph (8) (including cases where applied mutatis mutandis pursuant to Article 36, paragraph (1)) and Article 36, paragraph (1) and paragraph (5)), Article 8-3, paragraph (3), Article 21-9, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 21-11, paragraph (3)) or Article 21-16-3, paragraph (2);
- (iv) a person who has refused, obstructed or avoided an inspection under the

- provisions of Article 14-3, paragraph (1) or paragraph (2) or Article 17-3-2;
- (v) a person who has failed to prepare inspection records under the provision of Article 14-3-2 or prepared false inspection records, or failed to preserve inspection records;
 - (vi) a person who has violated the provision of Article 16-2, paragraph (3);
 - (vii) a person who has disobeyed a call to stop from a firefighter or police official or refused to present his/her hazardous materials engineer's license;
 - (viii) a person who has failed to make a notification under the provisions of Article 8, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 36, paragraph (1)), Article 9-3, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 9-3, paragraph (2)), Article 11, paragraph (6), Article 11-4, paragraph (1), Article 12-6, Article 12-7, paragraph (2), Article 13, paragraph (2), Article 17-3-2, or Article 17-14;
 - (ix) a person who has violated an order issued under the provision of Article 13-2, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 17-7, paragraph (2));
 - (x) a person who has, without justifiable grounds, made a false report of the occurrence of the situation set forth in Article 16-3, paragraph (1) to a fire station, place designated by a municipal mayor under the provision of paragraph (2) of said Article, police station or maritime security and rescue organ;
 - (xi) a person who has failed to make the reports under the provisions of Article 8-2-2, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 36, paragraph (1)) or Article 17-3-3 or made false reports;
 - (xii) a person who has, in violation of an order issued under the provisions of Article 17-4, paragraph (1) or paragraph (2), failed to take any necessary measures for the maintenance of fire defense equipment, etc. or special fire defense equipment, etc.;
 - (xiii) a person who has, in violation of the provision of Article 18, paragraph (1), used or interfered with the legitimate use of a fire alarm system, fire hydrant, water storage facility used for fire defense or watchtower or alarm bell tower used for fire defense without due cause;
 - (xiv) a person who has violated the provision of Article 18, paragraph (2);
 - (xv) a person who has kept water sources in an unusable condition, without making a notification under the provision of Article 21, paragraph (3);
 - (xvi) a person who has, when requested to make reports under the provisions of Article 21-13, paragraph (1) or Article 21-16-6, paragraph (1), failed to make the reports or made false reports, or has refused, obstructed or avoided an entry or inspection under these provisions;
 - (xvii) a person who has violated an order issued under the provisions of Article

- 8-2-2, paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 8-2-3, paragraph (8) (including cases where applied mutatis mutandis pursuant to Article 36, paragraph (1)) and Article 36, paragraph (1) and paragraph (5)) and Article 21-16-5;
- (xviii) a person who has violated the restrictions specified under the provisions of Article 22, paragraph (4) or Article 23;
- (xix) a person who has disobeyed a prohibition of the use of fire, an order to leave or a prohibition or restriction of access issued under the provision of Article 23-2;
- (xx) a person who has, without justifiable grounds, made a false report of the occurrence of a fire or made a false report of a person suffering an injury or contracting a disease as set forth in Article 2, paragraph (9), to a fire station or a place designated by a municipal mayor under the provision of Article 24 (including cases where applied mutatis mutandis pursuant to Article 36, paragraph (7));
- (xxi) a person who has disobeyed an order to leave or a prohibition or restriction of access issued under the provisions of Article 28, paragraph (1) or paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 30-2 and Article 36, paragraph (7)); or
- (xxii) a person who has refused an investigation of the damage after a fire under the provision of Article 33.

Article 45 When the representative of a juridical person, or an agent, employee or any other worker of a juridical person or individual, in connection with the business of the juridical person or individual, has violated any of the provisions listed in the following items, not only the offender shall be punished but also the juridical person shall be punished by the fine set forth in each of those items and the individual shall be punished by the fine prescribed in the respective Articles mentioned therein:

- (i) Article 39-2-2, paragraph (1) or Article 39-3-2, paragraph (1): a fine of not more than 100 million yen;
- (ii) Article 41, paragraph (1), item (iii) or item (v): a fine of not more than 30 million yen;
- (iii) Article 39-2, paragraph (1) or paragraph (2), Article 39-3, paragraph (1) or paragraph (2), Article 41, paragraph (1) (excluding item (iii) and item (v) of said paragraph), Article 42, paragraph (1) (excluding item (vii) and item (x) of said paragraph), Article 43, paragraph (1), Article 43-4, or item (i), item (iii), item (xi)-3 or item (xii) of the preceding Article: the fine prescribed in the respective Articles mentioned herein.

Article 46 A municipal ordinance under the provision of Article 9-4 may set forth

a provision that a person who has violated the ordinance shall be punished by a fine of not more than 300,000 yen.

Article 46-2 Where an officer(s) or employee(s) of the Hazardous Materials Safety Techniques Association (KHK) or the Japan Fire Equipment Inspection Institute has committed a violation which falls under any of the following, they shall be punished by a non-penal fine of not more than 200,000 yen:

- (i) where they have not obtained authorization or approval from the Minister of Internal Affairs and Communications under this Act in cases where such authorization or approval is required;
- (ii) where they have failed to complete a registration in violation of the provisions of a Cabinet Order as set forth in Article 16-14, paragraph (1) or Article 21-21, paragraph (1);
- (iii) where they have conducted any operations other than those prescribed in Article 16-34, paragraph (1) and paragraph (3) or Article 21-36, paragraph (1) and paragraph (3); or
- (iv) where they have violated an order issued by the Minister of Internal Affairs and Communications under the provisions of Article 16-47 or Article 21-42, paragraph (2).

Article 46-3 A person who has, in violation of the provision of Article 21-52, paragraph (2), failed to keep financial statements, etc. or state matters that should be stated in financial statements, etc. or made false statements, or has refused a request made under the provisions of the items of paragraph (3) of said Article without justifiable grounds, shall be punished by a non-penal fine of not more than 200,000 yen.

Article 46-4 A person who has violated the provisions of Article 16-13, paragraph (2) or Article 21-22 shall be punished by a non-penal fine of not more than 100,000 yen.

Article 46-5 A person who has failed to make a notification under the provisions of Article 8-2-3, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 36, paragraph (1)), Article 17-2-3, paragraph (4) or Article 21-16-4, paragraph (1) or paragraph (2) shall be punished by a non-penal fine of not more than 50,000 yen.

Supplementary Provisions

Article 47 This Act shall come into effect as from August 1, 1948.

Article 48 With regard to any matter subject to permission or notification under this Act, in cases where, under an Order of the Metropolitan Police Department or a Prefectural Order , any person obtained permission or authorization or filed a notification before this Act comes into effect, and where there has been no change in the relevant circumstance thereafter, it shall be deemed that such permission or authorization was granted or that such notification was filed pursuant to the provisions of this Act.

Article 49 After the Act for Partial Revision of the Fire Service Act and the Fire Defense Organization Act (Act No. 20 of 1986) comes into effect, the provisions of Article 4, items (xv), (xix) and (xxi) of the Act on Establishment of the Ministry of Internal Affairs and Communications (Act No. 91 of 1999) (excluding the parts pertaining to the affairs related to the business listed in item (xix), sub-item (d) of said Article) shall not apply to the Japan Fire Equipment Inspection Institute.

Supplementary Provisions [Act No. 186 of May 17, 1950] [Extract]

(2) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 86 of April 1, 1959] [Extract]

(2) An application for permission, notification or any other procedure that, as of the time when this Act comes into effect, has been made pursuant to the municipal ordinances as prescribed in the provisions of Chapter III prior to revision by this Act, or permission or any other disposition that, as of the time of enforcement of this Act, has been rendered pursuant to the Municipal Ordinances as prescribed in the provisions of said Chapter shall respectively be deemed as procedure or disposition taken or rendered pursuant to the corresponding provisions revised by this Act.

(7) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 113 of June 30, 1960] [Extract]

(Provisions on Transitional Measures)

Article 3 (1) Permission, authorization or any other disposition equivalent thereto that, at the time when this Act comes into effect, has been rendered by

the Prime Minister, the Director-General of the Agency of Home Affairs or the National Fire Defense Headquarters pursuant to the respective Act prior to revision by this Act shall be deemed to be permission, authorization or any other disposition equivalent thereto that has been rendered by the Minister of Home Affairs or the Fire and Disaster Management Agency pursuant to the corresponding provisions of the respective Act revised by this Act.

- (2) An application for permission, authorization or any other disposition equivalent thereto or notification or any other act that, at the time when this Act comes into effect, has been filed with or taken against the Prime Minister, the Director-General of the Agency of Home Affairs or the National Fire Defense Headquarters pursuant to the respective Act prior to revision by this Act shall be deemed to be the application for permission, authorization or any other disposition equivalent thereto or notification or any other act that has been filed with or taken against the Minister of Home Affairs or the Fire and Disaster Management Agency pursuant to the corresponding provisions of the respective Act revised by this Act.

Article 4 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]

- (3) With regard to lawsuits actually pending at the time of the enforcement of this Act, the provisions then in force shall remain applicable, notwithstanding the provisions revised by this Act to the effect that the lawsuits may not be filed.
- (4) With regard to jurisdiction over lawsuits actually pending at the time of the enforcement of this Act, the provisions then in force shall remain applicable, notwithstanding the provisions revised by this Act to the effect that the jurisdiction shall be the exclusive jurisdiction.
- (5) With regard to the statute of limitations for filing a lawsuit concerning a disposition or determination, for which the statute of limitations for filing a lawsuit pursuant to the provisions prior to revision by this Act has actually progressed at the time of the enforcement of this Act, the provisions then in force shall remain applicable; provided, however, this shall be limited to the cases where the statute of limitations for filing a lawsuit pursuant to the provisions revised by this Act is shorter than that pursuant to the provisions prior to revision by this Act.
- (6) The statute of limitations for filing a party suit concerning a disposition imposed or a determination made prior to the enforcement of this Act, for

which the statute of limitations has come to be set due to the revision by this Act, shall be counted from the date of enforcement of this Act.

- (7) With regard to actions seeking rescission of a disposition or determination that are actually pending at the time of the enforcement of this Act, the provisions then in force shall remain applicable, notwithstanding the provisions revised by this Act to the effect that one party to the legal relationship shall be the defendant; provided, however, that the court may, upon the plaintiff's application, permit to change the action into a party suit by its ruling.
- (8) The provisions of the second sentence of Article 18, and Article 21, paragraphs (2) to (5) inclusive of the Administrative Case Litigation Act shall apply mutatis mutandis to the cases referred to in the proviso to the preceding paragraph.

Supplementary Provisions [Act No. 161 of September 15, 1962] [Extract]

- (2) The provisions revised by this Act shall also apply to the dispositions by an administrative agency taken before this Act comes into effect, the inaction by an administrative agency pertaining to an application filed before this Act comes into effect or other matters that have arisen before this Act comes into effect, except as otherwise provided for in these Supplementary Provisions; provided, however, that those provisions shall not preclude the effect that has arisen pursuant to the provisions prior to revision by this Act.
- (3) With regard to a petition, application for examination, objection or other appeals (hereinafter referred to as the "Petitions, etc.") filed before this Act comes into effect, the provisions then in force shall remain applicable even after this Act comes into effect. The same shall apply to the Petitions, etc. filed in the case of further dissatisfaction with determination, decision or other dispositions on the Petitions, etc. (hereinafter referred to as the "Determinations, etc."), that have been made before this Act comes into effect, or the Determinations, etc. made after this Act comes into effect with regard to the Petitions, etc. filed before this Act comes into effect.
- (4) The Petitions, etc. prescribed in the preceding paragraph that relate to a disposition on which an appeal may be filed pursuant to the Administrative Appeal Act after this Act comes into effect shall be deemed to be appeals pursuant to the Administrative Appeal Act with regard to the application of the Acts other than said Act.
- (5) No appeal pursuant to the Administrative Appeal Act may be entered against the Determinations, etc. on an application for examination, an objection or other appeals filed after this Act comes into effect pursuant to the provision of paragraph (3).

- (6) With regard to a disposition imposed by an administrative agency before this Act comes into effect, on which the Petitions, etc. may be filed pursuant to the provisions prior to revision by this Act and for which the statute of limitations has not been set, the statute of limitations for filing an appeal pursuant to the Administrative Appeal Act shall be counted from the day when this Act comes into effect.
- (8) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.
- (9) In addition to what is provided for in the foregoing eight paragraphs, transitional measures necessary for the enforcement of this Act shall be specified by a Cabinet Order.

Supplementary Provisions [Act No. 88 of April 15, 1963] [Extract]

(Provisions on Transitional Measures)

Article 7 (1) The specifications recommended pursuant to the provision of Article 19, paragraph (1) of the Fire Service Act prior to revision (hereinafter referred to as the "former Act") as of the time when the revising provisions of Article 19, etc. come into effect shall be deemed as the technical specifications set forth in Article 21-2, paragraph (2) of the revised Fire Service Act (hereinafter referred to as the "new Act").

- (2) A disposition, application or any other procedure having been made or taken pursuant to the provision of Article 19 of the former Act and an order based thereon as of the time of enforcement of the revising provisions of Article 19, etc. shall be deemed as a disposition, application or any other procedure respectively made or taken pursuant to the corresponding provision of the new Act.

Article 11 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 90 of April 15, 1963] [Extract]

- (3) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 65 of May 14, 1965] [Extract]

- (5) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 80 of July 25, 1967] [Extract]

(Provision on Transitional Measures)

- (2) With regard to the application of the provision of Article 9-2, paragraph (1) after the revision to a person who, at the time of the enforcement of this Act, stores or handles the materials specified in said paragraph, the term "in advance" in said paragraph shall be deemed to be replaced with "within thirty days from April 1, 1968."

Supplementary Provisions [Act No. 97 of June 1, 1971] [Extract]

(Transitional Measures)

- (2) Unless otherwise provided for, an application for permission, notification or any other procedure made or taken before the date of enforcement of this Act (with regard to the revising provisions of the appended tables, before the date of enforcement of said revising provisions; hereinafter referred to as the "effective date") pursuant to the provisions of the Fire Service Act prior to revision (hereinafter referred to as the "former Act"), or permission or any other disposition rendered under the former Act before the effective date shall be deemed as the procedures or disposition taken or rendered under the corresponding provisions of the revised Fire Service Act (hereinafter referred to as the "new Act").
- (5) A person who, at the time of the enforcement of this Act, has been granted a Class A hazardous materials specialist license or a Class B hazardous materials specialist license pursuant to the provision of Article 13-2, paragraph (3) of the former Act shall be respectively deemed to have been granted a Class A hazardous materials engineer's license or a Class B hazardous materials engineer's license under Article 13-2, paragraph (3) of the new Act.
- (6) A person who, as of the time of enforcement of this Act, has passed a Class A hazardous materials specialist qualification examination or a Class B hazardous materials specialist qualification examination under Article 13-3, paragraph (2) of the former Act shall be respectively deemed to have passed a Class A hazardous materials engineer's qualification examination or Class B hazardous materials engineer's qualification examination under Article 13-3, paragraph (2) of the new Act.
- (8) With regard to the application of penal provisions to acts committed prior to the effective date, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 64 of June 1, 1974] [Extract]

- (2) Permission or any other disposition rendered by, or a notification received by, a municipal mayor pursuant to the provisions of the Fire Service Act prior to revision (hereinafter referred to as the "former Act") in relation to a facility for handling the conveyance of hazardous materials through piping, which falls under the handling facility for transfer specified in Article 11, paragraph (1), item (iv) of the revised Fire Service Act (hereinafter referred to as the "new Act"), shall be deemed as permission or any other disposition rendered by, or a notification received by, the prefectural governor or the Minister of Home Affairs pursuant to the provision of the corresponding provisions of the new Act.
- (3) The fire prevention rules authorized under Article 14-2, paragraph (1) of the former Act shall be deemed as the fire prevention rules authorized under Article 14-2, paragraph (1) of the new Act.
- (4) With regard to both fire defense equipment, etc. installed in a specified property under fire prevention measures that exists as of April 1, 1977 (with regard to the specified property under fire prevention measures set forth in Article 17-2, paragraph (2), item (iv) of the new Act (hereinafter referred to as the "specified property under fire prevention measures" in this paragraph) other than a department store, underground mall and multi-purpose property under fire prevention measures, April 1, 1979; hereinafter referred to as the "Date of Partial Enforcement") and fire defense equipment, etc. to be installed in a specified property under fire prevention measures that is under construction work for new construction, extension, reconstruction, relocation, repair or remodeling and that exists as of the Date of Partial Enforcement, for which the provision of Article 17-2, paragraph (1) or Article 17-3, paragraph (1) of the former Act was applicable as of the date immediately preceding the Date of Partial Enforcement, the provision of Article 17-2, paragraph (1) or Article 17-3, paragraph (1) shall not apply after the Date of Partial Enforcement.
- (6) When a person concerned with a property under fire prevention measures installs fire defense equipment, etc. that, after the Date of Partial Enforcement, shall be excluded from application of Article 17-2, paragraph (1) or Article 17-3, paragraph (1) of the new Act pursuant to the provision of paragraph (4) of the Supplementary Provisions performs construction or improvement work for the establishment of the fire defense equipment, etc. so as to ensure conformity with the technical standards set forth in Article 17 of the new Act, the state and local government shall endeavor to make necessary funding arrangements, provide technical advice or take any other measures.
- (7) With regard to the application of penal provisions to acts committed prior to

the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 37 of May 29, 1976] [Extract]

(Transitional Measures)

Article 2 The provisions of Article 11-2 and Article 11-3 of the Fire Service Act revised by this Act (hereinafter referred to as the "new Act") shall apply to the establishment of a manufacturing facility, storage facility or handling facility or change of position, structure or equipment thereof for which, after the date specified in the proviso to the preceding Article (hereinafter referred to as the "Date of Partial Enforcement"), an application for permission under Article 11, paragraph (1) of the new Act was filed.

Article 3 The provision of Article 16-7 of the new Act shall apply to the cases where, after the Date of Partial Enforcement, any fire defense headquarters or fire station has been established or abolished or any abolition, establishment, split, consolidation or boundary changes of municipalities has taken place, and the provisions then in force shall remain applicable to the cases where, prior to the Date of Partial Enforcement, any fire defense headquarters or fire station has been established or abolished or any abolition, establishment, split, consolidation or boundary changes of municipalities had taken place.

(Transitional Measures Concerning Penal Provisions)

Article 12 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, and the establishment, new construction or change set forth in Article 11, paragraph (1) of the Fire Service Act or Article 5, paragraph (1) or Article 7, paragraph (1) of the Act on the Prevention of Disaster in Petroleum Industrial Complexes and Other Petroleum Facilities effected in violation of any of these provisions after this Act comes into effect and the work for which was commenced prior to the time when this Act comes into effect, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 69 of July 23, 1982] [Extract]

(Transitional Measures)

(9) With regard to the application of penal provisions to acts committed before this Act comes into effect (with regard to the provisions listed in item (iv) or (v) of paragraph (1) of the Supplementary Provisions, before the respective provisions come into effect), as well as the acts committed after the enforcement of this Act pertaining to the notifications for which the provisions

then in force shall remain applicable pursuant to the provision of item (i), paragraph (3) of the Supplementary Provisions and the acts committed after the enforcement of this Act pertaining to the playing cards tax for which the provisions then in force shall remain applicable pursuant to the provision of item (ii) of said paragraph, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 83 of December 10, 1983] [Extract]

(Transitional Measures Concerning Other Dispositions, Applications, etc.)

Article 14 With regard to the application of respective revised Acts after the date of enforcement of this Act, permissions given and other dispositions imposed or other acts committed pursuant to the provisions of respective Acts prior to the revision before the enforcement of this Act (with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, before the enforcement of the relevant provision; hereinafter the same shall apply in this and Article 16) (hereinafter referred to as the "Dispositions and Other Acts" in this Article), or applications for permission, etc. filed or other acts committed pursuant to the provisions of respective Acts prior to the revision at the time of the enforcement of this Act (hereinafter referred to as the "Applications and Other Acts" in this Article), for which the administrative matters are to be conducted by a different person on the date of enforcement of this Act, shall be deemed to be the Dispositions and Other Acts or the Applications and Other Acts committed pursuant to the corresponding provisions of the respective revised Acts, except those prescribed in the provisions of Articles 2 to preceding Article inclusive of the Supplementary Provisions or in the provisions concerning transitional measures in the respective revised Acts (including orders based thereon).

(Transitional Measures Concerning Penal Provisions)

Article 16 With regard to the application of penal provisions to acts committed before this Act comes into effect, and acts committed after the any of the provisions of Article 17, Article 22, Article 36, Article 37 or Article 39 comes into effect in the case where the provisions then in force shall remain applicable pursuant to the provision of Article 3, Article 5, paragraph (5), Article 8, paragraph (2), Article 9 or Article 10, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 102 of December 24, 1985] [Extract]

(Transitional Measures Concerning Penal Provisions)

Article 8 With regard to the application of penal provisions to acts committed

before the enforcement of this Act (with regard to the provisions listed in items of Article 1 of the Supplementary Provisions, before enforcement of the relevant provision), and acts committed after the provision of Article 11 comes into effect in the case where the provisions then in force shall remain applicable pursuant to the provision of Article 4 of the Supplementary Provisions, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 20 of April 15, 1986] [Extract]

(Transitional Measures Concerning Penal Provisions)

Article 7 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 109 of December 26, 1986] [Extract]

(Transitional Measures Concerning Penal Provisions)

Article 8 With regard to the application of penal provisions to acts committed before this Act comes into effect, and acts committed after the any of the provisions of Article 4 comes into effect in the case where the provisions then in force shall remain applicable pursuant to the provision of Article 2, paragraph (1) of the Supplementary Provisions, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 55 of May 24, 1988] [Extract]

(Transitional Measures)

Article 2 Unless otherwise provided for, an application for permission, notification or any other procedure that, prior to the time when this Act comes into effect (with regard to the revising provision of Article 13-3, prior to April 1, 1989; and with regard to the revising provision of Article 2, paragraph (7), Article 10, paragraph (2), Article 11-4 and the appended tables, prior to the Date of Partial Enforcement), has been made or taken pursuant to the provisions of the Fire Service Act prior to the revision (hereinafter referred to as the "former Act"), or permission or any other disposition that, as of such time, has been rendered or taken pursuant to the provisions of the former Act, shall respectively be deemed as procedure or disposition taken or made pursuant to the corresponding provision of the Fire Service Act after revision (hereinafter referred to as the "new Act").

Article 8 In addition to what is provided for in Article 2 to the preceding Article

inclusive of these Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by a Cabinet Order.

(Transitional Measures Concerning Penal Provisions)

Article 9 With regard to the application of penal provisions to acts committed before this Act comes into effect, and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable pursuant to these Supplementary Provisions, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]

(Transitional Measures related to Adverse Dispositions on which a Consultation, etc. Was Filed)

Article 2 Where, before this Act comes into effect, a consultation or other request was filed with a council or other organization adopting a council system to the effect that procedures of hearing or grant of opportunity for explanation prescribed in Article 13 of the Administrative Procedure Act, or other procedures equivalent to the procedures of statement of opinions shall be taken, with regard to the procedures for adverse dispositions pertaining to the consultation or request, the provisions then in force shall remain applicable, notwithstanding the provisions of relevant Acts revised by this Act.

(Transitional Measures Concerning Penal Provisions)

Article 13 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Transitional Measures Accompanying Arrangement of Provisions on Hearings)

Article 14 Hearings or hearing meetings held pursuant to the provisions of an Act prior to the enforcement of this Act (excluding those pertaining to adverse dispositions) or procedures thereof shall be deemed to have been conducted pursuant to the corresponding provisions of the relevant Act revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to what is provided for in Article 2 to the preceding Article inclusive of these Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by a Cabinet Order.

Supplementary Provisions [Act No. 37 of June 22, 1994] [Extract]

(Transitional Measures)

Article 2 A person who, before April 1, 1995, was certified by a prefectural governor pursuant to the provision of Article 13-3, paragraph (4), item (i) of the Fire Service Act prior to revision (hereinafter referred to as the "former Act" in this Article) (or, a person who was certified by a person designated by the Minister of Home Affairs, in cases where the prefectural governor has entrusted a person designated by the Minister of Home Affairs pursuant to the provision of Article 13-5, paragraph (1) of the former Act to conduct the affairs related to the implementation of a hazardous materials engineer's qualification examination) shall be deemed to be a person specified by an Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 13-3, paragraph (4), item (i) of the Fire Service Act revised by the Act for Enforcement of Acts Related to the Central Government Reform (Act No. 160 of 1999) (hereinafter referred to as the "new Act" in this Article) in relation to the examination for such certification; and a person who, before April 1, 1995, was certified by a prefectural governor pursuant to the provision of Article 17-8, paragraph (4), item (iii) of the former Act (or, a person who was certified by a person designated by the Minister of Home Affairs, in cases where the prefectural governor has entrusted a person designated by the Minister of Home Affairs pursuant to the provision of Article 17-9, paragraph (1) of the former Act to conduct the affairs related to the implementation of a fire defense equipment officer's qualification examination) shall be deemed to be a person specified in Article 17-8, paragraph (4), item (iii) of the new Act in relation to the examination for such certification.

(Transitional Measures Concerning Penal Provisions)

Article 3 With regard to the application of penal provisions to acts committed prior to the enforcement of the provision listed in Article 1, item (i) of the Supplementary Provisions, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]

(Affairs of the State, etc.)

Article 159 In addition to what is provided for in the respective Acts prior to revision by this Act, affairs that shall be managed or performed, prior to the enforcement of this Act, by an organ of a local public entity on behalf of the State, other local public entity or other public bodies pursuant to Acts or a Cabinet Order enacted thereunder (hereinafter referred to as "Affairs of the State, etc." in Article 161 of the Supplementary Provisions) shall, after the enforcement of this Act, be handled by the local public entity as its own affairs pursuant to Acts or a Cabinet Order based thereon.

(Transitional Measures on Disposition, Application, etc.)

Article 160 (1) With regard to the application of respective revised Acts after the date of enforcement of this Act, permissions given and other dispositions imposed or other acts committed pursuant to the provisions of respective Acts prior to the revision before the enforcement of this Act (with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, before the enforcement of the relevant provision; hereinafter the same shall apply in this and Article 163 of the Supplementary Provisions) (hereinafter referred to as the "Dispositions and Other Acts" in this Article), or applications for permission, etc. filed or other acts committed pursuant to the provisions of respective Acts prior to the revision at the time of the enforcement of this Act (hereinafter referred to as the "Applications and Other Acts" in this Article), for which the administrative matters are to be conducted by a different person on the date of enforcement of this Act, shall be deemed to be the Dispositions and Other Acts or the Applications and Other Acts committed pursuant to the corresponding provisions of the respective revised Acts, except those prescribed in the provisions of Articles 2 to preceding Article inclusive of the Supplementary Provisions or in the provisions concerning transitional measures in the respective revised Acts (including orders based thereon).

(2) With regard to matters for which reports, notification, submission or other procedures shall be conducted before the organs of the State or local public entities, prior to the enforcement of this Act, pursuant to the provisions of respective Acts prior to the revision, if these procedures have not yet been conducted by the date of enforcement of this Act, the provisions of the respective Acts revised by this Act shall apply to such procedures, except those otherwise provided by this Act or a Cabinet Order based thereon, on the assumption that reports, notification, submission or other procedures have not yet been conducted with respect to matters for which such procedures shall be conducted before the organs of the State or local public entities pursuant to the relevant provisions of the respective revised Acts.

(Transitional Measures Concerning Appeal)

Article 161 (1) With respect to dispositions pertaining to Affairs of the State, etc. made prior to the Date of Enforcement by the administrative agencies (hereinafter referred to as the "Administrative Agencies Having Made the Dispositions" in this Article) that have been subordinated, prior to the Date of Enforcement, to higher administrative agencies prescribed in the Administrative Appeal Act (hereinafter referred to as the "Higher Administrative Agencies" in this Article), the Administrative Appeal Act shall apply to appeals filed against such dispositions pursuant to the said Act, on the

assumption that the Administrative Agencies Having Made the Dispositions are still subordinate to the Higher Administrative Agencies after the date of enforcement. In this case, the administrative agencies that shall be deemed to be Higher Administrative Agencies of the Administrative Agencies Having Made the Dispositions shall be the administrative agencies to which the Administrative Agencies Having Made the Dispositions have been subordinated prior to the date of enforcement.

- (2) In the case referred to in the preceding paragraph, where the administrative agencies that shall be deemed to be Higher Administrative Agencies are organs of local public entities, the affairs to be handled by the organs pursuant to the provisions of the Administrative Appeal Act shall be Item 1 Statutory Entrusted Affairs prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 With regard to fees payable prior to the Date of Enforcement pursuant to the provisions of the respective Acts prior to revision by this Act (including orders issued thereon), except those otherwise provided by this Act and a Cabinet Order enacted thereunder, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures on penal provisions) shall be specified by a Cabinet Order.

- (2) Any necessary matters concerning the application of the provisions of Article 18, Article 51, and Article 184 of the Supplementary Provisions shall be specified by a Cabinet Order.

[Act No. 160 of December 22, 1999] [Extract]

(Transitional Measures for Dispositions, Applications etc.)

Article 1301 (1) Unless other provided for in the laws and regulations, licenses, permissions, authorizations, approvals, designations, other dispositions or notices or other acts which, before the enforcement of the Act for Enforcement

of the Reform-Related Acts including Central Government Ministries and Agencies and this Act (hereinafter collectively referred to as the "reform-related Acts etc."), has been effected by the previous state organs pursuant to the provisions of laws and regulations shall be, after the enforcement of the reform-related Acts, etc., deemed to be licenses, permissions, authorizations, approvals, designations, other dispositions or notice or other acts effected by the corresponding state organ pursuant to the corresponding provisions of the laws and regulations after the enforcement of the reform-related Acts.

(2) Unless otherwise provided for in the laws and regulations, applications, notifications or other acts which, as of the time of enforcement of the reform-related Acts, etc., which has been committed before the previous state organ pursuant to the provisions of the laws and regulations shall be, after the enforcement of the reform-related Acts, etc., deemed to be applications, notifications or other acts committed before the corresponding state organ pursuant to the corresponding provisions of the laws and regulations after the enforcement of the reform-related Act, etc.

(3) Unless otherwise provided for in the laws and regulations, with regard to matters concerning which reporting, notification, submission or any other procedures and which, prior to the time of the enforcement of the reform-related Act, etc., shall be committed before the previous state organ pursuant to the provisions of the laws and regulations, if these procedures have not yet been conducted prior to the day of enforcement of the reform-related Acts, etc., the provisions of the laws and regulations after the enforcement of the reform-related Acts, etc. shall, after the enforcement of the reform-related Acts, etc., apply to such procedures, by deeming that reporting, notification, submission or any other procedures have not yet been committed with respect to the matters for which such procedures should be committed before the corresponding state organ pursuant to the corresponding provisions of the laws and regulations after the enforcement of the reform-related Acts, etc.

(Transitional Measures for Dispositions etc. pursuant to the Provisions then in Force)

Article 1302 Unless otherwise provided for in the laws and regulations, licenses, permissions, authorizations, approvals, designations, other dispositions or notices or other acts which shall be effected by the previous state organs or applications, notifications or any other act to be committed before the previous state organs pursuant to the provisions of the laws and regulations to which the provisions then in force shall remain applicable shall be, after the enforcement of the reform-related Acts, etc., effected by the corresponding state organ or be committed before the corresponding state organ respectively, based on a classification of duties and functions under the jurisdiction based on

the laws and regulations after the enforcement of the reform-related Acts, etc.

(Transitional Measures for Penal Provisions)

Article 1303 With regard to the application of penal provisions to acts committed prior to the enforcement of the reform-related Acts, etc., the provisions then in force shall remain applicable.

(Transitional Measures on Confidentiality Obligation)

Article 1307

(4) After the enforcement of the reform-related Acts, etc., the secrecy of the person concerned which the officials of the former Fire and Disaster Management Agency come to know in the course of inspection or questioning set forth in Article 4, paragraph (6) of the Fire Service Act prior to the enforcement of the reform-related Acts, etc. as applied *mutatis mutandis* pursuant to Article 34, paragraph (2) of said Act as applied *mutatis mutandis* pursuant to Article 35-3-2, paragraph (2) of said Act shall be deemed as secrecy of the person concerned which the officials of the Fire and Disaster Management Agency come to know in the course of inspection or questioning set forth in Article 4, paragraph (6) of said Act after the enforcement of the reform-related Act, etc., and the provision of said paragraph shall apply.

(5) (Omitted)

(Delegation to Cabinet Order)

Article 1344 In addition to what is provided for in Article 71 to Article 76 inclusive and Article 1301 to the preceding Article, and in the Act for Enforcement of the Reform-Related Acts including Central Government Ministries and Agencies, transitional measures necessary for the enforcement of the reform-related Acts, etc. (including transitional measures on penal provisions) shall be specified by a Cabinet Order.

Supplementary Provisions [Act No. 98 of July 4, 2001] [Extract]

(Transitional Measures)

Article 2 Unless otherwise provided for, permission granted or any other disposition rendered before the enforcement of this Act (with regard to the provisions listed in the items of the preceding Article, before the enforcement of the relevant provision; hereinafter the same shall apply in this Article and Article 7 of the Supplementary Provisions) pursuant to the provisions of the Fire Service Act prior to the revision (hereinafter referred to as the "former Act"), or an application for permission, notification or any other procedure having been made or filed pursuant to the provisions of the former Act as of the

time of enforcement of this Act shall be deemed as the disposition or procedure rendered or made under the corresponding provision of the Fire Service Act after revision (hereinafter referred to as the "new Act").

(Transitional Measures Concerning Penal Provisions)

Article 7 With regard to the application of penal provisions to acts committed before this Act comes into effect, and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable pursuant to the provisions of these Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 8 In addition to what is provided for in Article 2 to the preceding Article inclusive of these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures on penal provisions) shall be specified by a Cabinet Order.

Supplementary Provisions [Act No. 30 of April 26, 2002] [Extract]

(Transitional Measures)

Article 2 With regard to an order issued before the enforcement of this Act under Article 5 of the Fire Service Act prior to the revision, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to acts committed before the enforcement of this Act (with regard to the provisions specified in the proviso to Article 1 of these Supplementary Provisions, before the enforcement of such provision), and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable pursuant to the provisions of these Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 5 In addition to what is provided for in preceding three Articles, transitional measures necessary for the enforcement of this Act (including transitional measures on penal provisions) shall be specified by a Cabinet Order.

Supplementary Provisions [Act No. 84 of June 18, 2003] [Extract]

(Transitional Measures Concerning Penal Provisions)

Article 3 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions listed in items of Article 1 of the Supplementary Provisions, prior to the enforcement of the relevant provision), the provisions then in force shall remain applicable.

(Delegation of Transitional Measures to Cabinet Order)

Article 4 In addition to what is provided for in the preceding two Articles, transitional measures necessary for the enforcement of this Act (including transitional measures on penal provisions) shall be specified by a Cabinet Order.

Supplementary Provisions [Act No. 65 of June 2, 2004] [Extract]

(Transitional Measures on Disaster Prevention Device for Residence)

Article 2 With regard to disaster prevention devices for residences specified in Article 9-2, paragraph (1) of the Fire Service Act after revision that, as of the time of enforcement of the provisions listed in item (ii) of the preceding Article, have already been installed in a residence specified in said paragraph (hereinafter referred to as the "residence" in this Article) (the devices shall hereinafter be referred to as the "disaster prevention devices for residences" in this Article) or such disaster prevention devices for residences to be installed in a residence that, as of that time, is under work for new construction, extension, reconstruction, relocation, repair or remodeling, which do not conform to the standards for the installation and maintenance of disaster prevention devices for residences as prescribed in paragraph (2) of said Article, the provision of paragraph (1) of said Article shall not apply to said disaster prevention devices for residences for the period until the date to be specified by the ordinances of the municipalities (in the case of a region where special wards have been established, the ordinances of the Tokyo Metropolitan Government).

(Transitional Measures Concerning Penal Provisions)

Article 3 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions listed in items of Article 1 of the Supplementary Provisions, prior to the enforcement of the relevant provision), the provisions then in force shall remain applicable.

(Delegation of Transitional Measures to Cabinet Order)

Article 4 In addition to what is provided for in the preceding two Articles, transitional measures necessary for the enforcement of this Act (including

transitional measures on penal provisions) shall be specified by a Cabinet Order.

Supplementary Provisions [Act No. 21 of March 31, 2005] [Extract]

(Delegation of Other Transitional Measures to Cabinet Order)

Article 89 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by a Cabinet Order.

[Act No. 87 of July 26, 2005] [Extract]

Chapter XII Transitional Measures on Penal Provisions and Delegation to Cabinet Order

(Transitional Measures on Penal Provisions)

Article 527 With regard to the application of penal provisions to acts committed before this Act comes into effect, and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable pursuant to the provisions of this Act, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 528 In addition to what is provided for in this Act, the transitional measures necessary in relation to repeal or revision of the Act by this Act shall be specified by a Cabinet Order.

[Act No. 50 of June 2, 2006] [Extract]

(Transitional Measures on Penal Provisions)

Article 457 With regard to the application of penal provisions to acts committed before this Act comes into effect, and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable pursuant to the provisions of this Act, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 458 In addition to what is provided for in this Act, the transitional measures necessary in relation to repeal or revision of the Act by this Act shall be specified by a Cabinet Order.

Supplementary Provisions [Act No. 93 of June 22, 2007] [Extract]

(Delegation of Transitional Measures to Cabinet Order)

Article 2 Transitional measures necessary for the enforcement of this Act shall be specified by a Cabinet Order.

(Review)

Article 3 When five years have passed since after this Act comes into effect, the government shall review the status of enforcement of this Act, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

(Partial Revision of Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes)

Article 4 After the term "Article 8-2, paragraph (1)" in the provision of the following Acts, the term "(including the cases where these provisions are applied mutatis mutandis pursuant to Article 36, paragraph (1) of said Act)".

- (i) The Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes (Act No. 73 of 1978): Article 8, paragraph (1), item (i)
- (ii) The Act on Special Measures concerning Advancement of Countermeasures against Disasters of Tonankai and Nankai Earthquakes (Act No. 92 of 2002): Article 8, paragraph (1), item (i)
- (iii) Act on Special Measures concerning Advancement of Countermeasures against Earthquake Disaster in Relation to Subduction Zone Earthquake Around Japan Trench and Chishima Trench (Act No. 27 of 2004): Article 8, paragraph (1), item (i)

Supplementary Provisions [Act No. 41 of May 28, 2008] [Extract]

(Transitional Measures Concerning Penal Provisions)

Article 3 With regard to the application of penal provisions to acts committed before this Act comes into effect, and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable pursuant to the provision of the preceding Article, the provisions then in force shall remain applicable.

(Review)

Article 4 When five years have passed since after this Act comes into effect, the government shall review the status of enforcement of the provisions revised by Article 1, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

Appended Table 1 (Re: Article 2, Article 10 and Article 11-4)

Category	Nature	Item
Category I	oxidizing solids	(i) chlorates (ii) perchlorates (iii) inorganic peroxides (iv) chlorites (v) bromates (vi) nitrates (vii) iodates (viii) permanganates (ix) dichromates (x) Other substances specified by a Cabinet Order (xi) Substances containing any of those listed in the preceding items
Category II	combustible solids	(i) phosphorus sulfide (ii) red phosphorus (iii) sulfur (iv) iron powder (v) metal powders (vi) magnesium (vii) Other substances specified by a Cabinet Order (viii) Substances containing any of those listed in the preceding items (ix) inflammable solids
Category III	spontaneously combustible substances and water-reactive substances	(i) potassium (ii) sodium (iii) alkyl aluminiums (iv) alkyl lithiums (v) yellow phosphorus (vi) alkali metal (excluding potassium and sodium) and alkaline-earth metal (vii) organometallic compounds (excluding alkyl aluminiums and alkyl lithiums) (viii) metal hydrides (ix) metal phosphides (x) carbide of calcium or carbide of aluminum (xi) Other substances specified by a Cabinet Order (xii) Substances containing any of those listed in the preceding items

Category IV	inflammable liquids	(i) special inflammable materials (ii) Class I petroleums (iii) alcohols (iv) Class II petroleums (v) Class III petroleums (vi) Class IV petroleums (vii) oil extracted from animals and plants
Category V	self-reactive substances	(i) organic peroxides (ii) nitric esters (iii) nitro compounds (iv) nitroso compounds (v) azo compounds (vi) diazo compounds (vii) hydrazine derivatives (viii) hydroxylamine (ix) hydroxylamine salts (x) Other substances specified by a Cabinet Order (xi) Substances containing any of those listed in the preceding items
Category VI	oxidizing liquids	(i) perchloric acid (ii) hydrogen peroxide (iii) nitric acid (iv) Other substances specified by a Cabinet Order (v) Substances containing any of those listed in the preceding items

Remarks

- (i) The term "oxidizing solids" means solids (meaning substances other than liquids (meaning substances forming liquids at a temperature of 20 degrees and at one atmospheric pressure, or substances liquefied at a temperature exceeding 20 degrees but not higher than 40 degrees and at one atmospheric pressure; the same shall apply hereinafter) or gas (meaning substances forming gasses at a temperature of 20 degrees and at one atmospheric pressure); the same shall apply hereinafter), that, as a result of an examination for determining the potential risk of oxidation conducted pursuant to a Cabinet Order, demonstrate the nature specified by a Cabinet Order, or that, as a result of an examination for determining the sensitivity against impact conducted pursuant to a Cabinet Order, demonstrate the nature specified by a Cabinet Order.
- (ii) The term "combustible solids" means solids that, as a result of an examination for determining the risk of ignition by fire conducted pursuant to a Cabinet Order, demonstrate the nature specified by a Cabinet Order,

- or that, as a result of an examination for determining the risk of inflammability pursuant to a Cabinet Order, demonstrate inflammability.
- (iii) The term "iron powder" means iron powders excluding those specified by an Ordinance of the Ministry of Internal Affairs and Communications by taking into consideration the particle size and other factors.
- (iv) Phosphorus sulfide, red phosphorus, sulfur and iron powder shall be deemed to demonstrate the nature specified in item (ii) of these Remarks.
- (v) The term "metal powders" means powders of metals excluding alkali metal, alkaline-earth metal, iron and magnesium, and also excluding those specified by an Ordinance of the Ministry of Internal Affairs and Communications by taking into consideration the particle size and other factors.
- (vi) With regard to magnesium and the substances listed in item (viii) of the row of Category II containing magnesium, those specified by an Ordinance of the Ministry of Internal Affairs and Communications by taking into consideration the form and other factors shall be excluded.
- (vii) The term "inflammable solids" means solid alcohol and any other solid whose flash point is lower than 40 degrees at one atmospheric pressure.
- (viii) The term "spontaneously combustible substances and water-reactive substances" means solids or liquids that, as a result of an examination for determining the risk of ignition in air conducted pursuant to a Cabinet Order, demonstrate the nature specified by a Cabinet Order, or that, as a result of an examination for determining the risk of ignition or generating combustible gas upon contact with water, demonstrate the nature specified by a Cabinet Order.
- (ix) Potassium, sodium, alkyl aluminums, alkyl lithiums and yellow phosphorus shall be deemed to demonstrate the nature specified in the preceding item.
- (x) The term "inflammable liquids" means liquids (with regard to the Class III petroleum, the Class IV petroleum and oil extracted from animals and plants, limited to those forming liquids at a temperature of 20 degrees and at one atmospheric pressure) that, as a result of an examination for determining the risk of inflammability conducted pursuant to a Cabinet Order, demonstrate inflammability.
- (xi) The term "special inflammable materials" means diethyl ether, carbon disulfide or any other liquid whose ignition point is 100 degrees or lower at one atmospheric pressure, or, whose flash point is minus 20 degrees or lower and boiling point is 40 degrees or lower at one atmospheric pressure.
- (xii) The term "Class I petroleum" means acetone, gasoline and any other liquid whose flash point is lower than 21 degree at one atmospheric pressure.

- (xiii) The term "alcohol" means saturated monovalent alcohol whose molecules are composed of between one and three carbon atoms (including alcohol denat), excluding those specified by an Ordinance of the Ministry of Internal Affairs and Communications by taking into consideration its composition and other factors.
- (xiv) The term "Class II petroleums" means heating oil, gas oil and other liquid whose flash point is 21 degrees or higher but lower than 70 degrees at one atmospheric pressure, excluding paint or other materials specified by an Ordinance of the Ministry of Internal Affairs and Communications by taking into consideration the composition and other factors.
- (xv) The term "Class III petroleums" means heavy fuel oil, creosote oil and other liquid whose flash point is 70 degrees or higher but lower than 200 degrees at one atmospheric pressure, excluding paint or other materials specified by an Ordinance of the Ministry of Internal Affairs and Communications by taking into consideration the composition.
- (xvi) The term "Class IV petroleums" means gear oil, cylinder oil and other liquid whose flash point is 200 degrees or higher but lower than 250 degrees at one atmospheric pressure, excluding paint or other materials specified by an Ordinance of the Ministry of Internal Affairs and Communications by taking into consideration the composition.
- (xvii) The term "oil extracted from animals and plants" means oil extracted from the grease, meat, etc. of animals or the seeds or pulp of plants, whose flash point is lower than 250 degrees at one atmospheric pressure, excluding those stored and retained pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications.
- (xviii) The term "self-reactive substances" means solids or liquids, that, as a result of an examination for determining the risk of explosion conducted pursuant to a Cabinet Order, demonstrate the nature specified by a Cabinet Order, or that, as a result of an examination for determining the extent of thermolysis conducted pursuant to a Cabinet Order, demonstrate the nature specified by a Cabinet Order.
- (xix) With regard to the substances listed in item (xi) of the row of Category V, those containing organic peroxides and also containing an inactive solid as specified by an Ordinance of the Ministry of Internal Affairs and Communications shall be excluded.
- (xx) The term "oxidizing liquids" means liquids that, as a result of an examination for determining the potential risk of oxidation conducted pursuant to a Cabinet Order, demonstrate the nature specified by a Cabinet Order.
- (xxi) With regard to any substance having two or more natures listed in the column of the Nature in this Appended Table, the Item that covers such

substances shall be specified by an Ordinance of the Ministry of Internal Affairs and Communications.

Appended Table 2 (Re: Article 21-46)

<p>Operation specified in Article 21-45, item (i)</p>	<p>(i) a person who has graduated from a university or college of technology under the School Education Act by completing a major or program in mechanical engineering, electrical engineering or industrial chemistry, or a person who has scholastic ability equivalent or superior to such person. (ii) A person qualified as a fire defense equipment officer. (iii) A person qualified as a first class architect under Article 2, paragraph (2) of the Architect Act (Act No. 202 of 1950). (iv) A person with at least three years' practical experience in examination or inspection related to fire prevention.</p>
<p>Operations specified in Article 21-45, item (ii) to (iv) inclusive</p>	<p>a person who has graduated from a university or college of technology under the School Education Act by completing a major or program in mechanical engineering, electrical engineering or industrial chemistry, or a person who has scholastic ability equivalent or superior to such person.</p>

Appended Table 3 (Re: Article 21-46)

<p>Operation specified in Article 21-45, item (i)</p>	<p>(i) wood crib drying device (ii) heat distribution measuring device (iii) smoke density distribution measuring device (iv) aerial current distribution measuring device (v) carbon monoxide concentration distribution measuring device (vi) load cell (vii) smoke exhaust and purification device</p>
<p>Operation specified in Article 21-45, item (ii)</p>	<p>(i) wood crib drying device (ii) enclosed-type sprinkler head sensitivity testing device (iii) water sprinkling distribution measuring device (iv) pressure testing machine (v) high pressure and large volume testing pump (vi) fire-extinguishing foam generator (vii) gas chromatograph (viii) antiweatherability testing machine (ix) smoke exhaust and purification device</p>

<p>Operation specified in Article 21-45, item (iii)</p>	<ul style="list-style-type: none"> (i) sensor sensitivity testing device (ii) spectrum analyzer (iii) iteration testing machine (iv) ambient temperature testing machine (v) shock voltage testing machine (vi) vibration testing machine (vii) impact testing machine (viii) etching testing machine (ix) humidity testing machine (x) dust testing machine
<p>Operation specified in Article 21-45, item (iv)</p>	<ul style="list-style-type: none"> (i) intensity testing device (ii) compressive strength testing device (iii) neutral salt spray testing machine