A1-1 5(2) and 5(3) or (2) Misc. 1

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506

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Govt. Ervin 26-6076

Note No.	
1.	From: Govt Section To: **ESS** Date: **26 April 1952** Immediate introduction of the attached draft bill in the Diet is proposed by **the House of Representatives** 1 Incl **Proposed Amendment to Bill for Partial Amendment to Food Management Law** **ESS** **GS** for F. R. Dtc
2.	Lt.Kline, 26-8723 WFM/MK/zl From: ESS To: Govt Section 27 April 1952 No comment. 1 Incl n/c for Wpy W. F. M.

FEC AGO Form No. 37

SUBJECT TO PROVISIONS OF SEC. 3(E) AND 3(D) OR (E) SWNCC # 119/2

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No:

Capt. Ervin 26-6076

Note No.

1. From: Govt Section To: ESS Date: 26 April 1952

Immediate introduction of the attached draft bill in the Diet is proposed by the House of Representatives

1 Incl
Proposed Amendment to Bill for Partial Amendment to Food Management Law

ESS
GS

- F. R. - - - - - - - - - - - - - - -

Lt.Kline, 26-8723

2. WFM/MK/zl

From: ESS To: Govt Section 27 April 1952

No comment.

1 Incl
n/c

- W. F. M. - - - - - - - - - - - - - - -

FEC AGO Form No. 37

DECLASSIFIED AUTH: PUBL SEC. 3(E) AND 3(D) OR (E) NND # 779012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.

From: Govt Section To: **ESS** Date: **26 April 1952**

Immediate introduction of the attached draft bill in the Diet is proposed by **the House of Representatives**

1 Incl
Proposed Amendment to Bill for Partial Amendment to Food Management Law

ESS – No comment 4/26
GS

F. R.

4/26
SL

FEC AGO Form No. 37

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 719012

April 25, 1952.

Title of the Bill: Proposed Amendment to the Bill for Partial Amendment to the Food Control Law. (Proposed by KOBAYASHI Kazumi and another).

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

The expenses made necessary on account of the proposed amendment have to be appropriated in a supplementary budget.

Toshio Irie

Chief, Ligislative Bureau,
House of Representatives.

Recd 25 Apr. 52
0830

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NND# 775012

House of Representatives

April 25, 1952.

Proposed Amendment to the Bill for Partial Amendments to the Food Management Law.

(Presented by Kazumi Kobayashi and one other member)

The Bill for Partial Amendments to the Food Management Law shall be partially amended as follows:

In paragraph 1 of Article 4-2, "barley (referred to as barley, naked barley, or wheat; hereinafter the same)" shall be amended to read "barley", and re-numbering the said paragraph as paragraph 2 and also the succeeding paragraphs accordingly, the following shall be added to the said Article as paragraph 1:

A producer of barley (being barley, rye or wheat; hereinafter the same) shall not sell the barley he has produced to any person other than the Government.

The following amendments shall be made in the amended text of Article 8-6:

DECLASSIFIED AND E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 775012

In Article 8-6, "preceding four Articles" shall be amended to read "preceding three Articles", and the following Article shall be added next to the said Article:

Article 8-7 A person who is engaged in the sale of barley and such articles manufactured by processing barley or using the same as raw material as may be designated by the Minister of Agriculture and Forestry, must have his name registered by the Governor of To, Do, Fu or Ken in accordance with the provisions of Order.

The amended text of Article 32 shall be amended as follows:

In Article 32 paragraph 1 item (2), "Article 8-4 paragraph 2" shall be amended to read "Article 8-4 paragraph 3", and the said item shall be made item (3) and the old item (3) made item (4), with the addition of the following item next to item (1):

(2) Any person who has acted in violation of the provisions of Article 4-2 item (1).

In Article 32 paragraph 2, "item (3) of the preceding paragraph" shall be amended to read "item (4) of the preceding paragraph".

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 773012

House of Representatives

April 26, 1952.

Proposed Amendment to the Bill for Partial Amendments to the Food Management Law. (Proposed by MATSUURA Tosuke and another)

Bill for Partial Amendments to the Food Management Law shall be partially amended as follows:

In Article 4-(2), paragraph 2, "taking into account the productions of barley, rice price, and other economic conditions." ashall be amended to read "taking into account the productions of barley, rice price, and other economic conditions for the purpose of secuying reproduction of barley."

Mr. Comment -

Attached
Herewith

4/28/52
DLC

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 713012

April 26, 1952.

Title of the Bill: Proposed Amendment to the Bill for Partial Amendment to the Food Management Law.
(Proposed by MATSUURA Tosuke and another)

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Fujio Iwai

Chief, Legislative Bureau,
House of Representatives.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NND # 773012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No. 1

From: Govt Section To: **Medical Section** Date: **25 April 1952**

Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives**

1 Incl
Proposed Amendment to Bill concerning Loans for Rehabilitation of National Health Insurance Program

ESS
Med
GS

F. R.

Mr. Sullivan 26-6988

From: MS/PHW To: GS Date: 26 Apr 52

2 MS/PHW enters no objection to the proposed legislation referred to in c/n 1 above.

1 Incl
w/d

for W. E. S.

FEC AGO Form No. 37

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775012

1

Mr. Sullivan 26-6988
From: MS/PHW To: OS Date: 26 Apr 52

2 MS/PHW enters no objection to the proposed legislation referred to in c/n 1 above.

1 Incl
w/d

- W. E. S. - - - - - - - - - - - - - - - - - -

DECLASSIFIED AUTH: PUBL SEC. 3(E) AND 3(D) OR (E) NNDG # 778012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.	
1.	From: Govt Section To: **ESS** Date: **25 April 1952** Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives** 1 Incl **Proposed Amendment to Bill concerning Loans for Rehabilitation of National Health Insurance Program.** **ESS** **Med** **GS** F. R.
2.	Lt. Kline, 26-8723 WFM/MK/zl From: ESS To: Govt Section 26 April 1952 No comment. 1 Incl n/c W.F.M.

FEC AGO Form No. 37

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.	
	From: Govt Section To: **ESS** Date: **25 April 1952**
1.	Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives**
	1 Incl **Proposed Amendment to Bill concerning Loans for Rehabilitation of National Health Insurance Program.**
	ESS **Med** **GS**
	F. R.
	Lt. Kline, 26-8723 WFM/MK/zl
2.	From: ESS To: Govt Section 26 April 1952
	No comment.
	1 Incl n/c
	W.F.M.

FEC AGO Form No. 37

House of Representatives

April 24, 1952.

Proposed Amendment to Bill concerning Loans for the Rehabilitation of the National Health Insurance Program

(Proposed by AOYAGI Ichiro)

The Bill concerning Loans for the Rehabilitation of the National Health Insurance shall be amended as follows:

In Article 8, paragraph 1, "(including the unredeemable term)" shall be amended to read "(including the unredeemable term of three years beginning with the next following fiscal year)", and Article 8, paragraph 2, shall be amended as follows:

2. The unredeemable period of a loan shall be the period of the loan in the year in which the loan is made, plus three years beginning with the next following fiscal year, and during such unredeemable period no interest shall accrue thereon.

The paragraph 1 of the Supplementary Provisions shall be amended as follows.

1. This Law shall come into force as from the day of its promulgation.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.

From: Govt Section To: ESS [redacted] Date: 25 April 1952

Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives

1 Incl

Proposed Amendment to Bill concerning Loans for Rehabilitation of National Health Insurance Program

ESS (no comment
Med S (OK: 25 Apr.)
GS

- F. R. - - - - - - - - - - - - - - -

26 Apr
OK

FEC AGO Form No. 37

April 24, 1952.

Title of the Bill: Proposed Amendment to the Bill concerning Loans for Rehabilitation of the National Health Insurance Program (Presented by AOYAGI Ichiro)

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Tokio Irie

Chief, Legislative Bureau,
House of Representatives.

House of Representatives

April 24, 1952.

Proposed Amendment to Bill concerning Loans for the Rehabilitation of the National Health Insurance Program
(Proposed by AOYAGI Ichiro)

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1. This Law shall come into force as from the day of its promulgation.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.	
1.	From: Govt Section To: **ESS** Date: **23 Apr 52** Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives** 1 Incl **Bill re: Promotion of Fire-proof Building Construction** **ESS** **Eng** **GS** for F. R.
	Lt. Kline, 26-8723 WFM/MK/zl
2.	From: ESS To: Govt Section 26 April 1952 No comment. 1 Incl n/c per W. F. M.

FEC AGO Form No. 37

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.	
1.	From: Govt Section To: **ESS** Date: **23 Apr 52** Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives** 1 Incl **Bill re: Promotion of Fire-proof Building Construction** **ESS** **Eng** **GS** - F. R. - - - - - - - - - - - - - - - -
2.	**Lt. Kline, 26-8723** **WFM/MK/zl** From: **ESS** To: **Govt Section** **26 April 1952** **No comment.** **1 Incl** **n/c** - W. F. M. - - - - - - - - - - - - - - - - - -

FEC AGO Form No. 37

April 21, 1952.

Title of the Bill: Bill for Promotion of Fire-Proof Building Construction.
(Presented by SUZUKI Senpachi and 12 others)

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

ESS
EHG

Reference

Rented House Law

(Law No. 50 of 1921)

(Extracts)

Article 1. (Power to Contest of House Lease; Seller's Liability for Securities)

1 Lease or letting of a building shall, when the house is transfered, prevail against a person who subsequently acquire real rights in such building, even if registration is not effected thereof.

2 The provisions of Article 566 paragraphs 1 and 3 shall apply mutatis mutandis in cases where a building which is subject to a lease of which registration is not effected is the subject matter of a sale.

Article 1-(2) (Rejection of Renewal or Restriction of Rescission of Contract)

A leaser of a building shall not, except in case where it is necessary for him to use it himself or in case where there is other justifiable reasons, reject renewal of a lease or give notice to terminate the contract.

Article 2. (Legal Renewal)

1 In case where the period of a lease was decided between the parties, if one of the party does not give to the other party between six months and one year prior to the expiration of the period a notice of rejection of renewal or a notice that he will not effect renewal unless the terms are altered, a fresh lease on the same terms as those of the former one shall be deemed to have been effected at the time of the expiration of the period.

2 Even when the notice as referred to in the preceding paragraph was given, if a lessor fails to state an objection without delay where a lessee continues to use a building or take profits after the expiration of the period, the same shall apply.

Article 3 (Period for Application for Rescission of Contract)

1 Application for rescission of contract by a lessor shall be made six months in advance.

2 The provision of paragraph 2 of the preceding Article shall apply mutatis mutandis in case where a lease is terminated by application of rescission of contract.

Article 3-(2) (Period of House-Renting)

A lease which is provided with the period of one year or less shall be considered as one which is not provided with the period.

Article 4. (Effect against Sub-Lesee)

1 In case where there is a sub-lease which is to be terminated at the expiration of the period a lease or application for rescission of contract thereof and where a lease is also to be terminated, a lessor shall, unless he gives notice to that effect to the sub-lessee, be disallowed to contest against the sub-lessee with the termination thereof.

2 When a lessor gave notice referred to in the preceding paragraph, a sub-lease shall be terminated by lapse of six months after the notice.

Article 5 (Right to Demand Purchase of Furnishings)

In case where there are "tatami", fixture and other relatives to furnishings which were added to a building with agreement of a lessor, a lessee may, at the termination of the lease, demand to a lessor at the time to purchase those furnishings at the market price. The same shall apply to furnishings purchased from a lessor.

Article 6. (Provision concerning Foreing)

With regard to a special agreement contrary to the provisions of the preceding seven Articles, if it is prejudicial to a lessee, it shall be deemed not to have been made.

Article 7. (Rights to Demand Increase or Decrease of Rent)

In case where rent of a building has become unreasonable as the result of increase or decrease of taxes and other burdens for the land or the building, or rise or fall of the price of the land or the building, or compared with the rent of neighboring buildings, either party may demand increase or decrease of the rent for the future, notwithstanding the terms of the contract. However, if there is a special agreement that the rent is to be increased for a fixed period of time, the provisions thereof shall be followed.

Reference

Leased Land Law

(Law No. 49 of 1921)

(Extract)

Article 1. (Definition of Lease) In this Law, the lease shall mean a superficies and a lease which have for their object the ownership of a building or buildings.

House of Representatives
April 21, 1952.
(Presented by SUZUKI Senpachi
and 12 others)

Bill for Promotion of Fire-proof Building Construction

(Purpose)

Article 1. The purpose of this Law is, by promoting construction of fire-proof buildings in cities and forming fire-proof building belts, to help prevent fires and other disasters, realize more rationalized utilization of land and economize the consumption of timber, thus contributing to the public welfare.

(Principle of forming Fire-proof Building Belts)

Article 2. The fire-proof building belt shall be established in an important part of a city in such a manner that fire-proof buildings of three or more stories above the ground form a fire-preventing zone in the shape of a belt.

(Definition of Terms)

Article 3. With respect to the terms used in this Law, the meaning of those mentioned in items (1) to (3) inclusive shall be such as is defined in the respective items, and that of those mentioned in items (4) to (11) inclusive shall be such as is defined in the Building Standard Law (Law No. 201 of 1950) and the Building Standard Law Enforcement Ordinance (Cabinet Order No. 338 of 1950):

(1) Fire-proof building: Building of which the principal structural parts are of fire-proof construction;

(2) Construction: New construction or enlargement of a building (except where the cubic volume of the building is not increased thereby);

(3) Fire-zone: Fire-zone prescribed in Article 60 paragraph 1 of the Building Standard Law;

(4) Principal structural part;

(5) Fire-proof construction;

(6) Building;

(7) City planning district;

(8) Owner;

(9) Site;

(10) Building equipment;

(11) Plans and specifications.

(Designation of Fire-proof Building Belts)

Article 4. When the Minister of Construction deems it necessary for prevention of fires and other disasters in a city, town or village within the area of a city planning district as well as for help to rationalized utilization of land, he may designate a fire-proof building belt for the whole or a part of the fire-zone of the city, town or village concerned. In this case, he shall hear in advance the opinions of the head of the city, town or village concerned and the governor of the To, Do, Fu or prefecture in which the city, town or village is involved.

2 When the Minister of Construction intends to designate a fire-proof building belt in accordance with the provision of the preceding paragraph, he shall hear in advance the opinion of the President of the National Fire Defence Agency.

3 When the Minister of Construction has designated a fire-proof building belt in accordance with the provision of paragraph 1, he shall make notification thereof in the Official Gazette.

(Subsidization by Local Public Body for Fire-proof Buildings in Fire-proof Building Belts)

Article 5. When a fire-proof building belt has been designated in accordance with the provision of paragraph 1 of the preceding Article, the local public body may grant a subsidy for construction of fire-proof buildings in the area concerned.

(Granting of Subsidy)

Article 6. In cases where a local public body grants a subsidy, in accordance with the provision of the preceding Article, to an owner who constructs a fire-proof building in the area of the fire-proof building belt or where the local public body itself constructs it, if such part of the fire-proof building as is designated by the Minister of Construction is the third story or a higher part or not less than eleven meters in height above the ground, or is a two storied building of which the foundation and the principal structural part are constructed under such a plan as to build in future the third or upper floors in addition, the State may, for the construction expenses for the part from the fourth floor above the ground down to the first floor under the ground of the building, grant a subsidy to

the local public body concerned, within the limit of budgetary appropriations.

2 When the Minister of Construction has designated a part of a fire-proof building in accordance with the provision of the preceding paragraph, he shall make notification thereof in the Official Gazette.

(Limit to Amount of Subsidy)

Article 7. The amount of the subsidy which the State grants to a local public body in accordance with the provision of paragraph 1 of the preceding Article shall be within the amount equivalent to one-fourth of the balance between the standard construction cost per unit area of fire-proof buildings and that of wooden buildings, multiplied by the total floor area of the fire-proof building which is the object of the subsidization. However, in case the person who constructs the fire-proof building is not a local public body, the subsidy shall not exceed the amount equivalent to one half of the subsidy which the local public body grants to the owner.

2 In regard to a city, town or village where a great number of buildings have been destroyed by disaster in an emergency, "one-fourth" in the preceding paragraph shall, for one year from the day when such disaster occurred, be constructed to read "one-third" in the application of the provision of the said paragraph to the area which is provided for by Cabinet Order and which is located within the area of a fire-proof building belt designated in accordance with the provision of Article 4 paragraph 1.

3 The standard construction cost referred to in paragraph 1 shall be determined by area and by kind of structure by the Minister of Construction.

(Cancellation, Suspension or Return of Subsidy)

Article 8. In cases where a local public body grants a subsidy to an owner in accordance with the provision of Article 5 and is in its turn given a subsidy by the State under the provision of Article 6 paragraph 1 in regard to the fire-proof building for which the local public body grants its subsidy, if there is any fact falling under any of the following items, the local public body may cancel the granting of the whole or a part of its subsidy or suspend the delivery thereof or order the owner to return the whole or a part of the subsidy which has been delivered:

(1) When the subsidy has been used for a purpose other than that of the

building for which the subsidy is granted falls under item (2) or (3) of the preceding paragraph;

(4) Besides the cases mentioned in the preceding items, when the local public body has violated the provisions of this Law or of orders based thereon or dispositions made by the Minister of Construction in accordance with such provisions.

3 In cases where the Minister of Construction or the head of a local public body intends to cancel the granting of a subsidy or suspend the delivery thereof or order the return of the subsidy which has been granted under the provisions of the preceding two paragraphs, he shall in advance give the head of the local public body or the owner concerned an opportunity to ~~eluc-~~ make explanat explanation ~~idate~~ and to present evidence in his favour.

(Procedures for Delivery and Return of Subsidy)

Article 9. Procedures necessary for the delivery of a subsidy under Article 6 paragraph 1 and for the return of a subsidy under paragraph 2 of the preceding Article shall be provided for by Ministry of Construction Ordinance.

(Direction and Supervision by Minister of Construction)

Article 10. When the Minister of Construction deems it necessary in order to attain the object of subsidization in the best way, he may, within the extent necessary for the attainment of the object, give necessary direction, or an order to submit a report, to the head of a local public body or the owner of the fire-proof building for which the subsidization is made, or order a designated official to make personal inspection of the fire-proof building or relevant articles, or plans, specifications or other papers.

2 When entry is to be made into a building which is used for dwelling at the time for the personal inspection under the provision of the preceding paragraph, the consent of the occupant shall be obtained in advance.

3 An official who makes the personal inspection under the provision of paragraph 1 shall carry an identification card showing his status, and, when requested by the party concerned, he shall show it to him.

4 The form of the identification card under the provision of paragraph 3 shall be provided for by Ministry of Construction Ordinance.

subsidization;

(2) When the fire-proof building for which the subsidy is granted has been constructed in contravention of the provisions of laws relating to the site, structure or equipments of the building, or of orders or by-laws based thereon (including building agreements under the provision of Article 75 of the Building Standard Law);

(3) When the construction work of the fire-proof building for which the subsidy is granted is not started, without any proper reason, within three months from the day the owner received from the local public body a notice of the granting of the subsidy, or when the completion of the construction work is delayed exceedingly;

(4) Besides the cases enumerated in the preceding items, when the owner concerned has violated the provisions of this Law or of orders based thereon or dispositions made by the head of the local public body in accordance with such provisions.

2 In cases where the Minister of Construction grants a subsidy to a local public body in accordance with the provision of Article 6 paragraph 1, if there is any fact falling under any of the following items, he may cancel the granting of the whole or a part of the subsidy, suspend the delivery thereof or order the local public body to return the whole or a part of the subsidy which has been granted:

(1) When the heaf of the local public body, considering that there was on the part of the owner any fact falling under any of the items of the preceding paragraph, has cancelled the granting of the whole or a part of the subsidy, suspended the granting thereof or ordered the owner to return the whole or a part of the subsidy which has been delivered; or, though the head of the local public body has not taken any of these steps, when the Minister of Construction considers that there was on the part of the owner any fact falling under any of the items of the preceding paragraph;

(2) When the local public body has used the subsidy for a purpose other than that of the subsidization;

(3) In cases where the owner is the local public body, if the fire-proof

(Subsidization by Local Public Body for Fire-proof Building Outside Fire-proof Building Belt)

Article 11. In case a local public body deems it necessary for promoting construction of fire-proof buildings effective for fire protection in a city, town or village, it may, even in an area which has not been designated as a fire-proof building belt, grant a subsidy for construction of such fire-proof buildings.

(Use of Land in Fire-proof Building Belt)

Article 12. In cases where the head of a local public body deems it specially necessary to build with dispatch a fire-proof building belt in the whole or a part of the area designated as a fire-proof building belt, if the local public body intends to construct itself a fire-proof building of three or more stories above the ground in a part thereof where no person intends to build such buildings (except the part where there are fire-proof buildings of not more than two stories above the ground, and where there is no danger of seriously damaging the effect of the fir-proof building belt) in compliance with the application from two-third or more respectively of the owners of land within the designated area, the land leaseholders ~~under the provision of Article 16~~ (except those who are subletting the land concerned) in such areas and the leaseholder of buildings ~~under the provision of Article 17~~ on the land concerned, he may use such land as is necessary for the site of the fire-proof building.

2 In case a local public body intends to use any land under the preceding Article, the head of the local public body shall, ~~in accordance with the decision~~ after hearing the opinion of the City Planning Council under the City Planning Council Ordinance (Imperial Ordinance No. 483 of 1919), obtain in advance the approval by the Minister of Construction of the construction plan for the fire-proof building.

3 With respect to the use of land under the provision of paragraph 1, the provisions of the Land Expropriation Law (Law No. 219 of 1951) shall apply, unless otherwise provided for in this law.

4 When the head of a local public body intends to obtain the approval of the Minister of Construction in accordance with the provision of paragraph 2, he shall submit, together with the following documents, a written application for approval of a construction plan in the form prescribed by Ministry

of Construction Ordinance, in which the area under the construction plan (hereinafter referred to as the "projected site") and the reason why construction of the fire-proof building is necessary shall be entered, to the Minister of Construction through the governor of To, Do, Fu or prefecture having jurisdiction over the projected site:

(1) Written program of the project;

(2) Drawings showing the projected site and projected plan;

(3) Total number of the owners of land, land leaseholders ~~under the provision of Article 16~~ of such land and the lease-holders of buildings ~~under the provision of Article 17~~ of such land, and the number of the persons who have made application in accordance with the provision of paragraph 1;

(4) If there is in the projected site any land prescribed in Article 4 of the Land Expropriation Law, a written statement and drawings concerning such land and the opinion of the administrator of the land;

(5) Opinion of the City Planning Council under the provision of paragraph 2;

(6) Opinion of the persons having an interest in the construction plan under the provision of paragraph 5.

5 When a local public body intends, in order to build a fire-proof building belt under paragraph 1, to construct itself a fire-proof building of three or more stories above the ground by using any land in accordance with the said paragraph, the head of the local public body shall, before ~~putting~~ hearing the ~~matter to the deliberation~~ opinion of the City Planning Council, give public notice of the projected site and of an outline of the construction plan, and submit relative documents to public inspection for two weeks from the day of the public notice. In this case, a person having an interest in the construction plan may submit a written opinion to the head of the local public body during the period of the public inspection.

6 In case the Minister of Construction has approved a construction plan ~~under~~ in accordance with the provision of paragraph 2, he shall give notification in the Official Gazette of such approval as well as the name of the local public body concerned and the projected site, and inform these matters to the governor of the To, Do, Fu or prefecture concerned.

7 With reference to the application of the Land Expropriation Law in the case of using any land in accordance with the provision of paragraph 1, the approval of the Minister of Construction under paragraph 2 shall be regarded as recognition of the project by the Minister of Construction or the governor of To, Do, Fu or prefecture under the provision of Article 20 of the said Law, and the notification of the approval of the construction plan under the preceding paragraph as notification of the recognition of the project by the Minister of Construction or the governor of To, Do, Fu or prefecture under the provision of Article 26 paragraph 1 of the said Law. However, in this case "within three years" in Article 29 of the said Law shall be constructed to read "within six months" in applying the provisions of the same Article.

(Request for Expropriation instead of Use of Land)

Article 13. In case a local public body (hereinafter referred to as a "project initiator") intends to use any land in accordance with the provision of paragraph 1 of the preceding Article, the owner of the land may make a request for the expropriation of such land to the Expropriation Committee of the To, Do, Fu or prefecture where the land is located.

2 The request under the provision of the preceding paragraph shall be made in the form of a written opinion submitted under the provision of Article 45 paragraph 1 or Article 63 paragraph 2 of the Land Expropriation Law, or a written opinion submitted under the provision of Article 65 paragraph 1 item (1) thereof.

(Effect of Use and Arbitration)

Article 14. In case the Expropriation Committee makes arbitration for the use of the land, the project initiator shall, at the time of use, obtain the ~~land~~ leasehold, provided for in the Leased Land Law (Law No. 49 of 1921), for the possesion of the fire-proof buildings on the land.

2 When making arbitration for the use of land, the Expropriation Committee shall also arbitrate in the method of payment of the rent, the raising and lowering thereof and other necessary matters, in addition to the matters mentioned in the several items of Article 48 paragraph 1 of the Land Exprorpation Law, ~~and those prescribed in~~ to the extent that it does not interfere with the provision of ~~this~~ Leaseed Land Law.

(Compensation for Loss by Partial Ownership of Fire-proof Building)

Article 15. In the case of the use of land under the provision of Article 12 paragraph 1 or the land expropriation on the basis of a request made under the provision of Article 13 paragraph 1, the owner of the land may request the Expropriation Committee that his loss be compensated by partial ownership of the fire-proof building in substitution for the whole or a part of the compensation money concerning the ownership of the land. In this case, if the Expropriation Committee deems the request to be reasonable, it shall determine the time when the construction work of such part of the fire-proof building as is related to the request shall be completed, and make arbitration for the loss compensation by giving the ownership of such part of the fire-proof building as is considered reasonable in the light of the location, acreage, shape, lease terms, and other conditions of the land to be used or expropriated.

(Compensation for Loss with Lease in Part of Fire-proof Building)

Article 16. In case a land is used in accordance with the provision of Article 12 paragraph 1 or expropriated on the basis of a demand made in accordance with the provision of Article 13 paragraph 1, the owner of the said land or the leaseholder of the said land ~~(except the person who has sublet the said land; hereinafter the same)~~ who does not make request for the compensation under the provision of the preceding Article may request the Expropriation Committee that the loss be compensated with the lease in a part of the said fire-proof building as the substitute for the whole or a part of the compensation money for the ownership or the right to use the land. In this case, if the Expropriation Commitee deems the request to be reasonable, it shall, fixing the time when the construction work of the part of the fire-proof building for which the said request was made is to be completed, make arbitration for the loss compensation with the lease in such part of the fire-proof building as is considered to correspond to the location, acreage, shape, lease terms, etc. of the land to be used or expropriated and the location, use, scale, construction, lease terms, etc. of the building in the land, taking all these into consideration as a whole.

2 In cases where the Expropriation Committee intends to make arbitration for the loss compensation with the lease in a part of the fire-proof building to the land leaseholder in accordance with the provision of the preceding paragraph and where he intends as well to make arbitration for the loss compensation with the ownership in a part of the fire-proof building to the owner of the land in accordance with the provision of the preceding Article, he shall, excluding the case under special circumstances, make arbitration for the loss compensation either for the part included in the part requested by the owner, if the part requested by the owner is larger than the part requested by the land leaseholder or for the part including the whole of the part requested by the owner, if the part requested by the owner is smaller than the part requested by the land leaseholder.

3 When the Expropriation Committee intends to make arbitration for the loss compensation with the lease in a part of the fire-proof building to the owner of land and the land leaseholder, he shall, excluding the case under special circumstances, make arbitration either for the loss compensation to the land leaseholder

concerning the part requested by the owner of land and to the owner of land concerning the part other than that, in case the part requested by the owner of land is larger than the part requested by the land leaseholder: or, for the loss compensation with the lease in a part of the fire-proof building to the land leaseholder alone in case it is smaller.

(Compensation for Loss with Lease or Sub-lease in Part of Fire-proof Building)

Article 17. In case a land is used in accordance with the provision of Article 12 paragraph 1 or expropriated on the basis of a demand made in accordance with the provision of Article 13 paragraph 1, the leaseholder of the building in the said land may request the Expropriation Committee that the loss be compensated with the lease or the sub-lease in a part of the fire-proof building instead of the whole or a part of the compensation money for the lease. The provision of the latter part of paragraph 1 of the preceding Article shall apply mutatis mutandis to this case.

2 In cases where the Expropriation Committee intends to make arbitration for the loss compensation to the leaseholder in the building on the said land with the lease or sub-lease in a part of the fire-proof building in accordance with the provision of the preceding paragraph, if it intends as well to make arbitration for the loss compensation to the owner of land with the ownership in a part of the fire-proof building in accordance with the provision of Article 15 and the arbitration for the loss compensation to the owner of land or the land leaseholder with the lease in a part of the fire-proof building and in addition, if falls under any of the following items, the item concerned shall be followed respectively in the respective cases, excluding the case under special circumstances:

(1) In case the part requested by the leaseholder is larger than that requested by the owner of land under the provision of Article 15: lease for the part which includes the whole part requested by the owner of land; or in case it is smaller: such for the part within the part requested by the owner, as the case may be (sub-lease, for the part which overlaps with the part requested by the land leaseholder under the provision of the preceding paragraph, if there has been any such request);

(2) In case the part requested by the leaseholder of the fire-proof building is larger than that requested by the owner of land under the provision of the preceding Article: sub-lease for the part including the whole part requested by the owner of land and lease for the rest part; or in case it is smaller: sub-lease for the part requested, as the case may be;

(3) In case the part requested by the leaseholder of the fire-proof building is larger than the part requested by the land leaseholder under the provision of the preceding Article: sub-lease for the whole part requested by the leaseholder and lease for the rest part; or in case it is smaller: sub-lease for the part requested, as the case may be.

(Request for Offering of Part of Fire-proof Building to Be Made besides Loss Compensation)

Article 18. In cases where the request is made for the loss compensation with the ownership, lease or sub-lease in a part of the fire-proof building (hereinafter referred to as "the ownership etc. of a part of the fire-proof building") in accordance with the provisions of the preceding three Articles, if the person who makes the request deems that the ownership etc. of such part alone of the fire-proof building as is equivalent to the compensation money concerned is not worth using from economic viewpoint, he may also request that, together with the loss compensation, the ownership etc. of some other part of the fire-proof building be offered in addition to the ownership etc. of the part of the fire-proof building for which the said loss compensation was made within the limit necessary for the use, under the condition that he pays the amount of money equivalent to the balance of the parts of the fire-proof building for which the loss compensation was made. In this case, if the Expropriation Committee deems the request to be reasonable, it shall make arbitration to the effect that other ownership etc. of the part of the fire-proof building be offered in addition to the ownership etc. of such part of the fire-proof building together with the loss compensation, fixing the time when the amount of money equivalent to the balance concerned is to be paid.

(Offering of Security)

Article 19. When the Expropriation Committee makes arbitration for the loss compensation with the ownership etc. of a part of the fire-proof building in accordance with the provisions of the preceding four Articles, it shall also make arbitration to the effect that the project initiator should offer as the security the amount of money equivalent to the said compensation money.

(Payment of Caution Money)

Article 20. When the project initiator uses some land in accordance with the provision of Article 12 paragraph 1, he shall pay to the owner of the land by the time of the use the amount of money equivalent to ~~the land rent or~~ the rent for three years as the caution money.

2 If the project initiator fails to make the payment provided for in the preceding paragraph, the arbitration of the use made by the Expropriation Committee shall lose its effect.

(Deposition of Security)

Article 21. The offering of security under the provision of Article 19 shall be made by the deposition of money or such valuable securities as the Expropriation Committee deems adequate.

2 The deposition under the provision of the preceding paragraph shall be made by the time of the use or expropriation.

3 If the project initiator fails to make the deposition under the provision of paragraph 1 by the time of the use or expropriation, the arbitration of the use or expropriation made by the Expropriation Committee shall lose its effect.

(Acquisition of Right)

Article 22. The person for whom arbitration was made for the loss compensation with the ownership etc. of a part of the fire-proof building or for whom arbitration was made to the effect that a part of the fire-proof building be offered to him in accordance with the provisions of Articles 15 to 18 inclusive shall acquire the ownership or the lease or sub-lease provided for in the Rented House Law (Law No. 50 of 1921) of the part of the said fire-proof building when the construction work of the part of the fire-proof building for which the said arbitration was made has been completed and the inspection certificate under the provision of Article 7 paragraph 3 or Article 18 paragraph 7 of the Building Standard Law has been issued.

2 When the certificate of completion of inspection referred to in the preceding paragraph has been issued, the project initiator shall deliver without delay the ownership etc. of the part of the fire-proof building referred to the arbitration under the provisions of Articles 15 to 18 inclusive to the person provided for in the preceding paragraph.

(Acquisition and Recovery of Security etc.)

Article 23. If the project initiator fails, without any proper reason, to complete the construction work of the part of the fire-proof building for which the arbitration was made under the provisions of Articles 15 to 18 inclusive by the time to complete it or to make the delivery under the provision of paragraph 2 of the preceding Article, the person for whom the arbitration of the loss compensation was made may, obtaining the confirmation of the Expropriation Committee, acquire the amount of money equivalent to the damage which he suffered on account of the delay of the construction work or of the delivery concerned, with respect to the whole or a part of the security furnished by the project initiator in accordance with the provision of Article 21 paragraph 1.

2 When the project initiator has made the delivery under the provision of the preceding Article paragraph 2, he may, obtaining the confirmation of the Expropriation Committee, take back the security which he furnished in accordance with the provision of Article 21 paragraph 1.

3 If the person for whom arbitration was made to the effect that a part of the fire-proof building be offered to him on condition that he pays the balance in accordance with the provision of Article 18, fails, without any proper reason, to pay the balance for which the arbitration was made by the time when it is to be paid, the project initiator may, obtaining the confirmation of the Expropriation Committee, take back the security which he offered in accordance with the provision of Article 21 paragraph 1.

4 In case the person for whom arbitration was made to the effect that the ownership etc. of a part of the fire-proof building be offered is unable to pay the whole balance for which the arbitration was made, he may request the Expropriation Committee that the ownership etc. of the part of the fire-proof building

be offered to him in addition to the ownership etc. of such part of the fire-proof building for which the loss compensation was made, on condition that he pays a part of the balance by the time when he is to pay the balance. In this case, the project initiator will not be authorized to take back the security which he has offered in accordance with the provision of Article 21 paragraph 1, notwithstanding the provision of the preceding paragraph.

5 When the project initiator has delivered the security which he took back in accordance with the provision of paragraph 3 to the person for whom the arbitration was made, and the person for whom the arbitration was made has received it, the project initiator may, when he obtains the confirmation of the Expropriation Committee, be relieved of the obligation of loss compensation to the person for whom the arbitration was made.

6 In case the Expropriation Committee intends to make arbitration, for a request made under the provision of paragraph 4, to the effect that the ownership etc. of a part of the fire-proof building be offered, it may, only when it deems that the request is reasonable and will not cause much damage to the project initiator, make arbitration to the effect that the ownership etc. of a part of the fire-proof building be offered, together with the loss compensation.

7 Necessary procedures concerning the acquisition and recovery of the security and the confirmation of the Expropriation Committee under the provisions of paragraphs 1 to 3 inclusive and paragraph 5 shall be provided for by Ministry of Construction Ordinance.

(~~Exception concerning~~ Purchase Right)

Article 24. In case the project initiator fails, without any proper reason, to commence the construction work of the fire-proof building even after one year from the time of the use or expropriation, the person whose land was used or expropriated or the general successor to either may, when he obtains the confirmation of the Expropriation Committee, request the return of the land used or buy the land expropriated, offering to the project initiator the amount of money equivalent to the compensation money which the project initiator paid for the ownership or resigning the right to acquire the security which the project initiator offered under the provision of paragraph 1 of the preceding Article.

2 The procedures concerning the confirmation of the Expropriation Committee under the provision of the preceding paragraph shall be provided for by Ministry of Construction Ordinance.

(Measures in Transfer etc.)

Article 25. In case the project initiator intends to transfer or to lease a fire-proof building or parts thereof to others after the completion of the construction work of the said fire-proof building for which some land was used under the provision of Article 12 paragraph 1 or for which some land was expropriated upon a request under the provision of Article 13 paragraph 1, he shall do so as provided for in the following items respectively. In this case, the project initiator shall in advance report it to the persons mentioned in the items concerned and also make public notice to that effect:

(1) If a person who has acquired the lease in a part of the a fire-proof building concerned pursuant to the provision of Article 22 ~~with respect to the parts of the said fire-proof building~~ requests transfer of the part related with the right acquired, it shall be transferred to that person in preference to others;

(2) If a person whose land is being used requests that the land be purchased and, for the price thereof, a part of the fire-proof building be transferred or leased to him, such part shall be transferred or leased to him.

~~(3) In cases where neither the transfer nor lease mentioned in the preceding two items is requested, if a person who falls under any of the following sub-items (a) to (d) inclusive requests the transfer or lease, it shall be transferred or leased to the person in preference to others on the basis of the total area of the land which he possesses or possessed or the total floor area of the building or the part thereof which he possessed or leased within five years from the day when the construction works of the said fire-proof building is completed:~~

~~construction works of the said fire-proof building is completed:~~

(a) Person who transferred or leased to the local public body the land for the site of the said fire-proof building, owner of the building which stood on the said land, leaseholder of such building, and general successor of any of them;

(b) Person who was the owner of the land which was expropriated, and his general successor;

(c) Owner of the building which stood on the land which is being used or was expropriated, or his general successor;

(d) Leaseholder of the building referred to in (c).

2 The preferential order of the persons prescribed in (a) to (d) inclusive of item (3) of the preceding paragraph shall be as provided for in the order of listing. However, in (a) of item (3) of the preceding paragraph, the order of the general successors shall be determined by the order of the persons whom they succeeded and in case there are two or more persons of the same order, the order shall be determinined by the drawing of lots.

3 In the case stated in paragraph 1, the price of transfer or rent shall not exceed the amount calculated on the basis of the total construction expenses at the time of the construction of the fire-proof building.

(Exclusion of Subsidy from Total Income)

Article 26. In case an individual who is not engaged in any business appropriated the subsidy which was granted in accordance with the provisions of Article 5 or Article 11 for the construction expenses of a fire-proof building, the amount of the subsidy which was appropriated for the construction cost shall not, in calculating the income for the year during which the said individual was granted the said subsidy, be counted in the total amount of income prescribed in the provision of Article 9 paragraph 1 of the Income Tax Law (Law No. 27 of 1947).

2 The fire-proof building which was acquired by an individual under the application of the provision of the preceding paragraph shall be, in applying the Income Tax Law, regarded as not having the acquisitive cost thereof with respect to the part equivalent to the subsidy which was appropriated therefor.

3 In case there exist no statement that the application of the provision of paragraph 1 is intended and for the amount of the subsidy granted, the amount of the subsidy which was appropriated for the construction the acquisition cost of the assets acquired and for the matters relative to the assets acquired in a return provided for in Article 21 paragraph 1, Article 22 paragraph 1, Article 26 paragraph 1, or Article 26-(2) paragraph 1 of the Income Tax Law or in a return provided for in Article 29 paragraph 1 or 2 of the same Law ~~of the Income Tax Law~~, the provision of paragraph 1 shall not apply except the case where the chief of a taxation office deems that there exist special circumstances.

(Reduction of Municipal Property Tax)

Article 27. With respect to the municipal property tax on a fire-proof building for which the subsidy was granted under the provision of Article 5 or 11, the provision of Article 6 paragraph 2 of the Local Taxes Law (Law No. 226 of 1950)

Supplementary Provisions:

1 This Law shall come into force as from the day of its promulgation.

2 The Ministry of Construction Establishment Law (Law No. 113 of 1948) shall be partially amended as follows:

The following one item shall be added next to Article 3 item (22):

(22-2) To administer affairs concerning the enforcement of the Law for Promotion of Fire-proof Building Construction (Law No. of 1952);

3 The Building Standard Law shall be partially amended as follows:

The proviso to Article 55 paragraph 1 shall be amended as follows:

However, with regard to buildings falling under one of the following items, this shall not apply:

(1) Buildings in the commercial zone that are also in the fire-zone, of which main structural parts are of fire-proof construction;

(2) Police-boxes, public lavatories, public promenades and the like.

In paragraph 2 of the said Article, "the preceding paragraph" and "the said paragraph" shall be amended as "the preceding two paragraphs" and "these paragraphs" respectively, the said paragraph shall be made paragraph 3 of the said Article and the following one paragraph shall be added next to paragraph 1 of the said Article:

2 The building area of a building which is in the residential zone, the quasi-industrial zone or the industrial zone and also in the fire zone or the quasi-fire zone may be made six-tenths of the area of the site, notwithstanding the provision of the preceding paragraph.

The following one Article shall be added next to Article 61:

(Relaxation of Restriction to Existing Buildings in Fire Zone)

Article 61-(2). In the case of enlarging or rebuilding an existing building which does not conform to the provision of the preceding paragraph within the limit as may be provided for by Cabinet Order, the provision of the preceding Article shall not apply, notwithstanding the provision of Article 3.

In Article 62 paragraphs (1) and (2), "the preceding Article" shall be amended as "Article 61."

In Article 99 paragraph 1 item (5), "Articles 61 to 64 inclusive" shall be amended as "Article 61, Articles 62 to 64 inclusive."

In paragraph 2 of the same Article, "item (4), (5) or (7)" shall be amended as "item (5), (6) or (8)."

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No:

Capt. Ervin 26-6076

Note No.

From: Govt Section To: ESS Date: 23 Apr 52

Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives

1 Incl Proposed Amendment to the Dog Race Bill

~~ESS~~
~~Med~~
GS

F. R.

Keyes - Do not distribute

4/24

FEC AGO Form No. 37

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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C H E C K S H E E T

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Subject: Draft Legislation

File No: Govt. Ervin 26-6076

Note No.	From: Govt Section To: Medical Sec (PH&W) Date: 23 Apr 52
	Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives
	1 Incl Proposed Amendment to the Dog Race Bill
	ESS Med GS

- F. R. - - - - - - - - - - - - - -

FEC AGO Form No. 37

April 22, 1952.

Title of the Bill: Proposed Amendment to the Dog Race Bill. (Proposed by HARADA Yukimatsu)

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

E55
~~D5~~ MED

House of Representatives

April 22, 1952.

Proposed Amendments to the Dog Race Bill.

(Proposed by HARADA Yukimatsu and another)

The Dog Race Bill shall be partially amended as follows:

Article 1 shall be amended as follows:

(The Purpose of the Law)

Article 1. This law provides for rules of dog races to be performed with a view to promoting the improvement and increased breeding of dogs and other animals and contributing to an increase in the revenues of local finance and at the same time to the promotion of social welfare.

In Article 2 paragraph 1, "Prefectures and" shall be amended to read "Prefectures, cities mentioned in Article 155 paragraph 2 of the Local Autonomy Law (Law No.67, 1947)"; "(hereinafter referred to as 'cities') may hold dog races under this law with the resolution of prefectural assemblies" to read "(these cities shall be hereinafter referred to simply as 'Cities') and the Federation of Dog Improvement Associations may hold dog races under this law"; and in paragraph 2 of the same Article, "Prefectures or cities" shall be amended to read "Prefectures, cities or the Federation of Dog Improvement Associations".

In Article 3, "established in respective prefectures, with the resolution of prefectural assemblies and also with the Sanction of the Minister of Agriculture and Forestry" shall be deleted.

In Article 5 paragraph 1 and Article 8 item (1), "Dog Improvement Club" shall be amended to read "Federation of Dog Improvement Associations".

In Article 13 paragraph 1, "Dog Improvement Club" shall be amended to read "Federation of Dog Improvement Associations"; and in paragraph 2, "under whose jurisdiction lies the address of its keeper" to read "under whose jurisdiction exists the Dog Improvement Association to which its keepers belong", "whose kinds are designated by Ministerial Ordinance" to read "which are held by the Federation of Dog Improvement Associations or whose kinds are designated by Ministerial Ordinance".

In Article 14 paragraph 1, "Dog Improvement Club" shall be amended to read "Federation of Dog Improvement Associations".

In Article 16 paragraph 2, "prevention of ill-treatment of animals, training of labor dogs" shall be amended to read "Improvement and increase of animals designated by Ministerial Ordinance, study and research of veterinary science"; and paragraph 3 shall be deleted.

Article 17 shall be amended as follows:

(Use of Income of Promoters of Dog Race)

Article 17. The promoter of dog race, in case he commissioned the holding of dog race to the Dog Improvement Association, shall grant to the Dog Improvement Association concerned an amount equivalent to less than 3 per cent of the proceedings of the sale of betting tickets out of the amount which he can receive as his income in accordance with the provisions of Article 15.

2. The Federation of Dog Improvement Associations shall disburse one half each of the balance of its income earned in accordance with the provisions of Article 15, after deducting the payment made in accordance with the provisions of paragraph 1 of the preceding Article and the preceding paragraph and the expenses relative to the holding of the dog race, as expenses necessary for social welfare and as those necessary in connection with the matters mentioned under paragraph 2 of the preceding Article respectively.

3. Necessary matters relating to the use of the grant under paragraph 1 and the disbursement to be made under the preceding paragraph shall be provided for by Cabinet Order.

In the heading of Article 18, "Dog Improvement Club" shall be amended to read "Federation of Dog Improvement Associations"; and in paragraph 1 of the same Article, "a juridical person established" to read "a juridical person, whose number shall not exceed one in each ppefecture and which shall be established".

In paragraph 5 of the same Article, "Para. 1" shall be deleted and "any Dog Improvement Club" shall be amended to read "the Federation of Dog Improvement Associations"; the same paragraph shall be made paragraph 6 and paragraph 4 shall be amended as follows:

4. All the Dog Improvement Associations shall establish only one Federation of Dog Improvement Associations throughout the country and shall join it as member Associations thereof.

5. The Federation of Dog Improvement Associations shall be a juridical person established in accordance with the provisions of Article 34 of the Civil Code for the purpose of holding dog races, coordinating the holdings of dog races, registering the animal racing courses and the dogs and handlers to participate in the dog race, giving courses to the persons who intend to become handlers, possessing dogs to participate in dog races, letting them out on hire and training them, and conducting the improvement and increased breeding of dogs and other animals provided for by Ministerial Ordinance, the promotion of exportation thereof and the improvement of sanitary condition of domestic cattle.

In Article 22 paragraph 1, "the promoter of dog race, or a Dog Improvement Association, or a Dog Improvement Club" shall be amended to read "the promoter of a dog race, or a Dog Improvement Association"; "the promoter of the race or the Dog Improvement Association or the Dog Improvement Club concerned" to read

In paragraph 5 of the same Article, "Para. 1" shall be deleted and "any Dog Improvement Club" shall be amended to read "the Federation of Dog Improvement Associations"; the same paragraph shall be made paragreph 6 and paragraph 4 shall be amended as follows:

4. All the Dog Improvement Associations shall establish only one Federation of Dog Improvement Associations throughout the country and shall join it as member Associations thereof.

5. The Federation of Dog Improvement Associations shall be a juridical person established in accordance with the provisions of Article 34 of the Civil Code for the purpose of holding dog races, coordinating the holdings of dog races, registering the animal racing courses and the dogs and handlers to participate in the dog race, giving courses to the persons who intend to become handlers, possessing dogs to participate in dog races, letting them out on hire and training them, and conducting the improvement and increased breeding of dogs and other animals provided for by Ministerial Ordinance, the promotion of exportation thereof and the improvement of sanitary condition of domestic cattle.

In Article 22 paragraph 1, "the promoter of dog race, or a Dog Improvement Association, or a Dog Improvement Club" shall be amended to read "the promoter of a dog race, or a Dog Improvement Association"; "the promoter of the race or the Dog Improvement Association or the Dog Improvement Club concerned" to read

"the promoter of the race or the Dog Improvement Association concerned"; and in paragraph 2, "the promoter of the race or the Dog Improvement Association or the Dog Improvement Club concerned" to read "the promoter of the race or the Dog Improvement Association concerned".

In Article 23, Article 25, Article 26, Article 29 paragraph 1, "Dog Improvement Club" shall be amended to read "Federation of Dog Improvement Associations".

Paragraph 2 of the Supplementary Provisions shall be deleted and paragraph 3 shall be made paragraph 2.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.

From: Govt Section To: **Diplomatic Sec** Date: **23 Apr 52**
Att: Mr. Bessin

Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives**

1 Incl **Proposed Amendment re: Bill for Special Measures concerning Criminal Cases to Implement the Administrative Agreement**

Info:
Compt 3
DS 1 (5 additional copies as soon as available)

- F. R. - - - - - - - - - - - - - - -

4/24

FEC AGO Form No. 37

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.

From: Govt Section To: **Comptroller** Date: **23 Apr 52**

Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives**

1 Incl **Proposed Amendment re: Bill for Special Measures concerning Criminal Cases to Implement the Administrative Agreement, etc.**

Info:
Compt 3
DS 1

- F. R. - - - - - - - - - - - - -

FEC AGO Form No. 37

April 22, 1952.

Title of the Bill: Proposed Amendment to the Bill for Special Measures concerning Criminal Cases to Implement the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America

(Proposed by INOMATA Kozo (SD-Lobby 23))

I hereby Certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

Comptr - 3
DS - 6
G-S - 1
INASH - 3

DECLASSIFIED: E.O. 13526, SEC. 3.5(b) AND 3.6(b) OR (c) NND # 719012

House of Representatives

April 22, 1952.

Proposed Amendment to the Bill for Special Measures concerning Criminal Cases to Implement the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America.

(Proposed by INOMATA Kozo (SD Lobby 23)

The Bill for Special Measures concerning Criminal Cases to Implement the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America shall be partially amended as follows:

In Article 6 paragraph 1, "for the purpose of using such information in such a manner as the use thereof would harm the security of the United States armed forces or by wrongful methods" shall be amended to read "for the purpose of communicating such information to a foreign country, knowing that it is to be used in such a way as would harm the interests of the United States armed forces, or for the purpose of attacking the United States armed forces,"

Article 6 paragraph 2 shall be amended as follows:

The provision of the preceding paragraph shall apply to a person who discloses to another person security information of the United States armed forces, knowing that such information has been detected or collected for the purpose mentioned in the preceding paragraph.

Article 7 paragraphs 2 and 3 shall be deleted.

In Article 8, "or paragraph 1 of the preceding Article" shall be amended to read "or in the preceding Article".

DECLASSIFIED AUTH: NNSC SEC. 3(E) AND 3(D) OR (E) NNDC # 779012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.	
1.	From: Govt Section To: **ESS** Date: **22 Apr 52** Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives** 1 Incl **Bill re: Haialai Game** **ESS** **MED-PH&W** **GS** for F. R. Bk 8319 Lt.Kline 26-8723 WFM/MK/zl 24 April 1952
2.	From: ESS To: Govt Section No comment. 1 Incl n/c for W. F. M.

FEC AGO Form No. 37

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDB # 713012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Govt. Ervin 26-6076

Note No.

From: Govt Section To: ESS Date: 22 Apr 52

Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives

1 Incl Bill re: Hajalai Game

ESS
MCD-PHW
GS

F. R.

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FEC AGO Form No. 37

DECLASSIFIED PER E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 775012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.

From: Govt Section To: Med Sec (ESS) Date: 22 Apr 52

Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives

1 Incl
Bill re: Hailalai Game

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FEC AGO Form No. 37

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 719012

April 19, 1952.

Title of the Bill: Haialai Game Bill.

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775012

House of Representatives

April 19, 1952.

Haialai Game Bill.

(Presented by MARUYAMA Naotomo)

(Purpose of this Law)

Article 1. The present law shall have the object in view to provide for such matters as are necessary in connection with the haialai game which is performed for raising funds for the social welfare projects.

(Promotor)

Article 2. A person who may perform the haialai game under the present law shall be such juridical person as has been established under the provisions of Article 34 (Establishment of Juridical Person for Public Welfare) of the Civil Code (Law No.89 of 1896) for the purpose of raising funds for the social welfare projects by means of performing the haialai game.

2. The approval under Article 34 of the Civil Code for the establishment of the juridical person as mentioned in the preceding paragraph shall not be given unless it appears that such juridical person will commence the performance of the haialai game in due course of time and be able to continue it steadily.

3. No person other than the juridical person as mentioned in paragraph 1 (hereinafter referred to as "promoter") shall perform the haialai game which is accompanied with the sale of betting tickets or anything else analogous thereto.

(Entrusting of Performance of Haialai Game)

Article 3. A promoter, subject to the approval of the Minister of Welfare, may entrust the performance of the haialai game to another juridical person.

(Stadium)

Article 4. The haialai game must be played in a stadium which has been specially built therefor.

2. A stadium may be built at only one place in a Prefecture.

3. The floor of a court where the game is performed shall be sixty meters long by eleven meters wide, and the wall of the court shall be eleven meters high.

4. Subject to the provisions of the preceding paragraph, a stadium must come up to the standards as may be determined by Ministry of Welfare Ordinance.

(Number of Players)

Article 5. The number of players to play the haialai game each time shall be six.

(Admission Fee)

Article 6. A promoter, when holding the haialai game, must collect an admission fee from visitors.

(Betting Ticket)

Article 7. A promoter may sell betting tickets of which the face value is ten (10) yen per ticket at per value.

2. A promoter may sell a betting ticket representing ten (1

2. A promotor may sell a betting ticket representing ten (10) or one hundred (100) of such betting tickets as mentioned in the preceding paragraph.

(Prohibition of Purchase of Betting Ticket, etc.)

Article 8. An official of a juridical person which is a promoter or of a juridical person entrusted with the performance of the haialai game under the provisions of Article 3 (hereinafter referred to as performer's agent), or a player, an umpire, or any other person who may otherwise be engaged in the business of performing the haialai game, must not purchase or receive by way of transference a betting ticket in regard to the haialai game with which such person is connected.

(Dividends)

Article 9. A promoter shall pay to the holders of winning tickets as dividends an equivalent of seventy (70) per cent of the net sale of betting tickets in reference to a particular game in proportion to the holdings of betting tickets on the winner. It is provided, however, that in case the amount payable on a winning ticket falls below the par value thereof, the par value shall be the amount of the dividend.

2. In case there is no holder of winning ticket, an equivalent of seventy (70) per cent of the net sale shall be paid as dividend to those who have pet on players other than the winner in proportion to the holdings of betting tickets.

3. The method of computing the amount to be paid under the provisions of the preceding two paragraphs and the manner of payment thereof shall be prescribed by Ministry of Welfare Ordinance.

(Omission of Fractions)

Article 10. In making payment of dividends, a fraction less than one (1) yen, if any, of the amount computed in accordance with the provisions of the preceding Article shall be rounded off.

2. Any amount derived from the omission of factions as mentioned in the preceding paragraph shall belong to the promoter.

(Invalidation of Betting)

Article 11. If, after the sale of betting tickets, circumstances coming under any of the following items have arisen in reference to the game (or any one of the games, in the case of a betting method wherein a combination of those players who respectively win the first places in more than one games is regarded as a winner), the betting shall be invalidated.

(1) The number of players falling below the prescribed number.

(2) Non-performance of the game.

(3) Non-existence of winning player.

2. In the case of the preceding paragraph, a holder of the betting tickets may demand the promoter to make repayment of the par value of such betting tickets.

(Prescription of Right to Claim Dividend and Repayment)

Article 12. The right to claim dividends under the provisions of Article 9 or to demand repayment under the provisions of the preceding Article, if left unexercised for thirty (30) days, shall be extinguished by prescription.

(Contribution to Community Chest Organization, etc.)

Article 13. A promoter must contribute an equivalent of fifty (50) percent of the admission fee and of fifteen (15) per cent of the net sale of betting tickets (gross sale of betting tickets less the amount to be returned in accordance with the provisions of Article 11; the same in Article 14) to the Community Chest Organization, through local organizations thereof, and also to the Japan Red Cross.

2. The proportion between the total amount to be contributed to local organizations of the Community Chest and the amount to be contributed to the Japan Red Cross, as well as other matters necessary for the making of such contribution or the financial disposal of the contribution received, shall be prescribed by Ministry of Welfare Ordinance.

3. The provisions of Article 78 (Allocation of Community Chest) and of Article 79 (Publication and Reporting of the Results) and such provisions of item 2 of Article 85 and of Article 86 (Penal Provisions) as are referred to the said Article 79 of the Social Welfare Service Law (Law No. 45 of 1951) shall be applicable mutatis mutandis to the amount of fund which the Community Chest Organization has received under the provisions of paragraph 1.

4. The amount of contribution provided for in paragraph 1 shall be included in the loss in computing the income under the Corporation Tax Law (Law No. 28 of 1947) and the income under the Local Tax Law (Law No. 226 of 1950) if the enterprise tax thereunder is imposed.

(Payment to National Treasury)

Article 14. A promoter must make payment to the National Treasury of an amount equivalent to five (5) per cent of the net sale of betting tickets.

2. In case a promoter fails to make payment as provided for in the preceding paragraph, the Minister of Welfare may collect the amount involved in conformity with the instance of the National Tax Collection Law (Law No. 21 of 1897).

3. The provisions of paragraph 4 of the preceding Article shall apply mutatis mutandis to the amount of payment provided for in paragraph 1.

(Control within Stadium)

Article 15. A promoter shall, for the maintenance of order within a stadium, enact necessary measures for the regulating of visitors, the prevention of offences and illegal acts relating to a game, and the preservation of decency and sanitary condition within the stadium.

Article 16. When a promoter deems it necessary for insuring a fair and safe performance of a game or maintaining order within a stadium, he may take recourse to the disposition under any of the following items:

(1) Suspension of a game.

(2) Suspension of a player from participating in the game.

(3) Refusal of entrance or order on a visitor to get out of a stadium.

Article 17. The Minister of Welfare, when he deems it necessary, may let a competent official enter an office or stadium for the haialai game and give directions to a promoter or performer's agent with respect to any matter necessary to maintain order within the stadium or to insure the fair performance of a game.

2. In the case of the preceding paragraph, the Minister of Welfare shall let such an official carry with him an identification card certifying his official status and produce it whenever requested by an person concerned.

(Revocation of Licence for Establishment of Promoter, etc.)

Article 18. When a promoter or performer's agent has violated this law or an ordinance issued thereunder or any measure taken on the basis of this law or the said ordinance, the Minister of Welfare may, after giving admonition, take recourse to the disposition under any of the following items against such promoter or performer's agent:

(1) Revocation of the licence for the establishment of a juridical person which is the performer.

(2) Cancellation of such authorization for entrusting the performance of the haialai game as is provided for in Article 3.

(3) Suspension of the holding of a game, or suspension of or restriction of the sale of betting tickets.

2. When the Minister of Welfare intends to take recourse to any disposition other than admonition in accordance with the provisions of the preceding paragraph, he shall hold a public hearing, giving an advance notice to the promoter or performer's agent concerned with respect to the reasons therefor and the date and place of the hearing, and asking for the attendance of the representative or proxy of such promoter or performer's agent. In case of urgency, however, the hearing may be held afterwards.

3. If such representative or proxy of the promoter or performer's agent as was asked for his attendance under the provisions of the preceding paragraph fails for no justifiable reasons to attend the hearing on the prescribed date, the Minister of Welfare may conduct any disposition other than admonition under paragraph 1, without holding a hearing.

(Notification, Report or Inspection)

Article 19. The Minister of Welfare may order a promoter to file a notification or report on the holding or finish of a game, the accounting thereof, and other matters deemed necessary, or may inspect his books and documents.

(Matters Delegated)

Article 20. Subject to the provisions of this law, matters concerning the entrusting of the performance of the haialai game, payment to the National Treasury and other matters necessary for the enforcement of this law shall be prescribed by Ministry of Welfare Ordinance.

(Penal Provisions)

Article 21. A person falling under any of the following items shall be amenable to penal servitude for a period not exceeding three years or a fine not exceeding one hundred thousand (100,000) yen:

(1) Person who has violated the provisions of Article 2 paragraph 2.

(2) Person who has gambled with the public on the haialai game held under this law for money or any other property.

(3) Person who has been forbidden to purchase or obtain by transfer betting tickets under the provisions of Article 8, and who has acted as the other party to the offence mentioned in the preceding item.

(4) Person who has not obeyed the dispositive measure provided for in Article 18 paragraph 1 item (3).

Article 22. A person falling under any of the following items shall be amenable to penal servitude for a period not exceeding one year or a fine not exceeding thirty thousand (30,000) yen:

(1) Person who has sold a betting ticket to another person who he knew has been forbidden to purchase such a ticket under the provisions of Article 8.

(2) Person who has violated the provisions of Article 8.

(3) Person who has purchased or obtained by transfer a betting ticket, or anything else analogous thereto, which was sold by a person provided for in item (1) of the preceding Article.

(4) Person who has acted as the other party to the offence mentioned in item (2) of the preceding Article, but who has not fallen under item (3) of the same Article.

Article 23. A person who has committed, or tried to commit, an act of violence or intimidation on a person mentioned in Article 8 in the execution of his office pertaining to the haialai game shall be amenable to penal servitude for a period not exceeding three years or a fine not exceeding one hundred thousand (100,000) yen.

Article 24. A person who has committed an offence under the preceding three Articles may, if the case demands, be punished with both penal servitude and fine.

Article 25. When a person mentioned in Article 8 has accepted, demanded or promised to accept a bribe in connection with his office pertaining to the haialai game, he shall be amenable to penal servitude for a period not exceeding three years.

2. When a person mentioned in the preceding paragraph has accepted, demanded or promised to accept a bribe in connection with his office pertaining to the haialai game, and has committed an illegal act or failed to perform an act which is required of him as the result, he shall be amenable to penal servitude for a period not exceeding five years.

3. In the cases of the preceding two paragraphs, the bribe accepted shall be confiscated. If the whole or any part of such bribe cannot be confiscated, the equivalent thereof shall be collected.

Article 26. A person who has given, offered or promised to give the bribe provided for in paragraph 1 or 2 of the preceding Article shall be amenable to penal servitude for a period not exceeding three years.

Supplementary Provisions:

This law shall come into force as from the day of its promulgation.

UNDER THE PROVISIONS OF ART. 1032 SEC. 3(E) AND 3(D) OR (E) NOW # 775012

House of Representatives

April 19, 1952.

Haialai Game Bill.

(Presented by MARUYAMA Naotomo)

(Purpose of this Law)

Article 1. The present law shall have the object in view to provide for such matters as are necessary in connection with the haialai game which is performed for raising funds for the social welfare projects.

(Propotor)

Article 2. A person who may perform the haialai game under the present law shall be such juridical person as has been established under the provisions of Article 34 (Establishment of Juridical Person for Public Welfare) of the Civil Code (Law No.89 of 1896) for the purpose of raising funds for the social welfare projects by means of performing the haialai game.

2. The approval under Article 34 of the Civil Code for the establishment of the juridical person as mentioned in the preceding paragraph shall not be given unless it appears that such juridical person will commence the performance of the haialai game in due course of time and be able to continue it steadily.

3. No person other than the juridical person as mentioned in paragraph 1 (hereinafter referred to as "promoter") shall perform the haialai game which is accompanied with the sale of betting tickets or anything else analogous thereto.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NND# 775012

(Entrusting of Performance of Haialai Game)

Article 3. A promoter, subject to the approval of the Minister of Welfare, may entrust the performance of the haialai game to another juridical person.

(Stadium)

Article 4. The haialai game must be played in a stadium which has been specially built therefor.

2. A stadium may be built at only one place in a Prefecture.

3. The floor of a court where the game is performed shall be sixty meters long by eleven meters wide, and the wall of the court shall be eleven meters high.

4. Subject to the provisions of the preceding paragraph, a stadium must come up to the standards as may be determined by Ministry of Welfare Ordinance.

(Number of Players)

Article 5. The number of players to play the haialai game each time shall be six.

(Admission Fee)

Article 6. A promoter, when holding the haialai game, must collect an admission fee from visitors.

(Betting Ticket)

Article 7. A promoter may sell betting tickets of which the face value is ten (10) yen per ticket at par value.

2. A promoter may sell a betting ticket representing ten (10)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773012

2. A promotor may sell a betting ticket representing ten (10) or one hundred (100) of such betting tickets as mentioned in the preceding paragraph.

(Prohibition of Purchase of Betting Ticket, etc.)

Article 8. An official of a juridical person which is a promoter or of a juridical person entrusted with the performance of the haialai game under the provisions of Article 3 (hereinafter referred to as performer's agent), or a player, an umpire, or any other person who may otherwise be engaged in the business of performing the haialai game, must not purchase ~~or~~ receive by way of transference a betting ticket in regard to the haialai game with which such person is connected.

(Dividends)

Article 9. A promoter shall pay to the holders of winning tickets as dividends an equivalent of seventy (70) per cent of the net sale of betting tickets in reference to a particular game in proportion to the holdings of betting tickets on the winner. It is provided, however, that in case the amount payable on a winning ticket falls below the par value thereof, the par value shall be the amount of the dividend.

2. In case there is no holder of winning ticket, an equivalent of seventy (70) per cent of the net sale shall be paid as dividend to those who have pet on players other than the winner in proportion to the holdings of betting tickets.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NND# 773012

3. The method of computing the amount to be paid under the provisions of the preceding two paragraphs and the manner of payment thereof shall be prescribed by Ministry of Welfare Ordinance.

(Omission of Fractions)

Article 10. In making payment of dividends, a fraction less than one (1) yen, if any, of the amount computed in accordance with the provisions of the preceding Article shall be rounded off.

2. Any amount derived from the omission of factions as mentioned in the preceding paragraph shall belong to the promoter.

(Invalidation of Betting)

Article 11. If, after the sale of betting tickets, circumstances coming under any of the following items have arisen in reference to the game (or any one of the games, in the case of a betting method wherein a combination of those players who respectively win the first places in more than one games is regarded as a winner), the betting shall be invalidated.

(1) The number of players falling below the prescribed number.

(2) Non-performance of the game.

(3) Non-existence of winning player.

2. In the case of the preceding paragraph, a holder of the betting tickets may demand the promoter to make repayment of the par value of such betting tickets.

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 113012

(Prescription of Right to Claim Dividend and Repayment)

Article 12. The right to claim dividends under the provisions of Article 9 or to demand repayment under the provisions of the preceding Article, if left unexercised for thirty (30) days, shall be extinguished by prescription.

(Contribution to Community Chest Organization, etc.)

Article 13. A promoter must contribute an equivalent of fifty (50) percent of the admission fee and of fifteen (15) per cent of the net sale of betting tickets (gross sale of betting tickets less the amount to be returned in accordance with the provisions of Article 11; the same in Article 14) to the Community Chest Organization, through local organizations thereof, and also to the Japan Red Cross.

2. The proportion between the total amount to be contributed to local organizations of the Community Chest and the amount to be contributed to the Japan Red Cross, as well as other matters necessary for the making of such contribution or the financial disposal of the contribution received, shall be prescribed by Ministry of Welfare Ordinance.

3. The provisions of Article 78 (Allocation of Community Chest) and of Article 79 (Publication and Reporting of the Results) and such provisions of item 2 of Article 85 and of Article 86 (Penal Provisions) as are referred to the said Article 79 of the Social Welfare Service Law (Law No. 45 of 1951) shall be applicable mutatis mutandis to the amount of fund which the Community Chest Organization has received under the provisions of paragraph 1.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773012

4. The amount of contribution provided for in paragraph 1 shall be included in the loss in computing the income under the Corporation Tax Law (Law No. 28 of 1947) and the income under the local Tax Law (Law No. 226 of 1950) if the enterprise tax thereunder is imposed.

(Payment to National Treasury)

Article 14. A promoter must make payment to the National Treasury of an amount equivalent to five (5) per cent of the net sale of betting tickets.

2. In case a promoter fails to make payment as provided for in the preceding paragraph, the Minister of Welfare may collect the amount involved in conformity with the instance of the National Tax Collection Law (Law No. 21 of 1897).

2. The provisions of paragraph 4 of the preceding Article shall apply mutatis mutandis to the amount of payment provided for in paragraph 1.

(Control within Stadium)

Article 15. A promoter shall, for the maintenance of order within a stadium, enact necessary measures for the regulating of visitors, the prevention of offences and illegal acts relating to a game, and the preservation of decency and sanitary condition within the stadium.

Article 16. When a promoter deems it necessary for insuring a fair and safe performance of a game or maintaining order within a stadium, he may take recourse to the disposition under any of the following items:

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775012

(1) Suspension of a game.

(2) Suspension of a player from participating in the game.

(3) Refusal of entrance or order on a visitor to get out of a stadium.

Article 17. The Minister of Welfare, when he deems it necessary, may let a competent official enter an office or stadium for the haialai game and give directions to a promoter or performer's agent with respect to any matter necessary to maintain order within the stadium or to insure the fair performance of a game.

2. In the case of the preceding paragraph, the Minister of Welfare shall let such an official carry with him an identification card certifying his official status and produce it whenever requested by an person concerned.

(Revocation of Licence for Establishment of Promoter, etc.)

Article 18. When a promoter or performer's agent has violated this law or an ordinance issued thereunder or any measure taken on the basis of this law or the said ordinance, the Minister of Welfare may, after giving admonition, take recourse to the disposition under any of the following items against such promoter or performer's agent:

(1) Revocation of the licence for the establishment of a juridical person which is the performer.

(2) Cancellation of such authorization or entrusting the performance of the haialai game as is provided for in Article 3.

(3) Suspension of the holding of a game, or suspension of or restriction of the sale of betting tickets.

2. When the Minister of Welfare intends to take recourse to any disposition other than admonition in accordance with the provisions of the preceding paragraph, he shall hold a public hearing, giving an advance notice to the promoter or performer's agent concerned with respect to the reasons therefor and the date and place of the hearing, and asking for the attendance of the representative or proxy of such promoter or performer's agent. In case of urgency, however, the hearing may be held afterwards.

3. If such representative or proxy of the promoter or performer's agent as was asked for his attendance under the provisions of the preceding paragraph fails for no justifiable reasons to attend the hearing on the prescribed date, the Minister of Welfare may conduct any disposition other than admonition under paragraph 1, without holding a hearing.

(Notification, Report or Inspection)

Article 19. The Minister of Welfare may order a promoter to file a notification or report on the holding or finish of a game, the accounting thereof, and other matters deemed necessary, or may inspect his books and documents.

(Matters Delegated)

Article 20. Subject to the provisions of this law, matters concerning the entrusting of the performance of the haialai game, payment to the National Treasury and other matters necessary for the enforcement of this law shall be prescribed by Ministry of Welfare Ordinance.

(Penal Provisions)

Article 21. A person falling under any of the following items shall be amenable to penal servitude for a period not exceeding three years or a fine not exceeding one hundred thousand (100,000) yen:

(1) Person who has violated the provisions of Article 2 paragraph 2.

(2) Person who has gambled with the public on the haialai game held under this law for money or any other property.

(3) Person who has been forbidden to purchase or obtain by transfer betting tickets under the provisions of Article 8, and who has acted as the other party to the offence mentioned in the preceding item.

(4) Person who has not obeyed the dispositive measure provided for in Article 18 paragraph 1 item (3).

Article 22. A person falling under any of the following items shall be amenable to penal servitude for a period not exceeding one year or a fine not exceeding thirty thousand (30,000) yen:

(1) Person who has sold a betting ticket to another person who he knew has been forbidden to purchase such a ticket under the provisions of Article 8.

(2) Person who has violated the provisions of Article 3.

(3) Person who has purchased or obtained by transfer a betting ticket, or anything else analogous thereto, which was sold by a person provided for in item (1) of the preceding Article.

(4) Person who has acted as the other party to the offence mentioned in item (2) of the preceding Article, but who has not fallen under item (3) of the same Article.

Article 23. A person who has committed, or tried to commit, an act of violence or intimidation on a person mentioned in Article 8 in the execution of his office pertaining to the haialai game shall be amenable to penal servitude for a period not exceeding three years or a fine not exceeding one hundred thousand (100,000) yen.

Article 24. A person who has committed an offence under the preceding three Articles may, if the case demands, be punished with both penal servitude and fine.

Article 25. When a person mentioned in Article 8 has accepted, demanded or promised to accept a bribe in connection with his office pertainigg to the haialai game, he shall be amenable to penal servitude for a period not exceeding three years.

2. When a person mentioned in the preceding paragraph has accepted, demanded or promised to accept a bribe in connection with his office pertaining to the haialai game, and has committed an illegal act or failed to perform an act which is required of him as the result, he shall be amenable to penal servitude for a period not exceeding five years.

3. In the cases of the preceding two paragraphs, the bribe accepted shall be confiscated. If the whole or any part of such bribe cannot be confiscated, the equivalent thereof shall be collected.

Article 26. A person who has given, offered or promised to give the bribe provided for in paragraph 1 or 2 of the preceding Article shall be amenable to penal servitude for a period not exceeding three years.

Supplementary Provisions:

This law shall come into force as from the day of its promulgation.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No:

Capt. Ervin 26-6076

Note No.	
	From: Govt Section To: Transportation Section Date: 12 Apr 52 Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives 1 Incl Bill re: Enforcement of Road Law ESS Trans GS
	- F. R. -
2	From: TO To: Govt Section Date: 17 APR 1952 Maj Johnston 26-8418 Transportation Officer offers no comment on the attached bill regarding Enforcement of Road Law. 1 Incl n/c
	- H.T.M. -

FEC AGO Form No. 37

H.R.

ENFORCEMENT of ROAD LAW

WFM/REP/my
R. E. Phillips 26-6212

To: GS From: ESS

15 APR 1952

2 No comment.

1 Incl:
n/c

for Copy
- - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

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Capt. Ervin 26-6076

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From: Govt Section To: ESS Date: 12 Apr 52

Immediate introduction of the attached draft bill in the Diet is proposed by

House of Representatives

1 Incl

Bill re: Enforcement of Road Law

ESS
Trans
GS

- F. R. - - - - - - - - - - - - - - -

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Bill re: Enforcement of Road Law

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Trans
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- F. R. - - - - - - - - - - - - - -

FEC AGO Form No. 37

April 10, 1952.

Title of the Bill: Bill for Enforcement of Road Law

(Presented by TANAKA Kakuei)

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

House of Representatives
April 10, 1952.
(Presented by TANAKA Kakuei)

Bill for Enforcement of Road Law

(Abolition of Old Law etc.)

Article 1. The laws mentioned in the following shall be abolished:

(1) The Road Law (Law No. 58 of 1919; hereinafter referred to as the "old Law");

(2) The Law concerning the Repair of Roads (Law No. 282 of 1948).

(Transitory Provisions)

Article 2. With regard to a national road under the provisions of the old Law which exists at the time when the Road Law (Law No. of 1952; hereinafter referred to as the "new Law") comes into force, and is not designated or recognized as the route of a first class national road, second class national road, To, Do, Fu or prefectural road or city, town or village road in accordance with the provisions of Articles 5 to 8 inclusive by the day of the enforcement of the new Law, the use for service of the road shall be deemed to be discontinued as of the day when the new Law comes into force, and the provisions of Articles 93 to 96 inclusive of the new Law shall apply thereto. However, the same shall not apply to the cases where the route of the national road concerned overlaps with the route of a Fu or prefectural road (in Hokkaido, a local expense road or quasi-local expense road; hereinafter the same), municipal road or town or village road under the old Law, and the provision of the following Article applies to the Fu or prefectural road, the municipal road or the town or village road concerned.

Article 3. A Fu or prefectural road, municipal road or town or village road under the provisions of the old Law which exists at the time when the new Law comes into force, and is not designated or recognized as the route of a first class national road, second class national road, To, Do, Fu or prefectural road or city, town or village road in accordance with the provisions of Articles 5 to 8 inclusive of the new Law shall be regarded as a To, Do, Fu or prefectural road or city, town or village road whose route has been recognized in accordance with the provision of Article 7 or 8 of the new Law respectively. In this case, a municipal road located in the area of a special ward of To shall be deemed to have been recogni- a To road under the provision of Article 90 paragraph 1 of the Law.

Article 4. With regard to the sharing by the State and the local public body or the subsidization by the State for the expenses required for construction, reconstruction or repairs of a road to be executed in the fiscal year to which the enforcement day of the new Law belongs, the provisions of Articles 33 and 35 of the old Law and Article 1 and Article 2 paragraph 3 of the old Law concerning Repair of Roads shall be followed, notwithstanding the provisions of Articles 50, 51 and 56 of the new Law.

Article 5. The state-owned land which, being used at the time when the new Law comes into force for a Fu or prefectural road, municipal road or town or village road under the provisions of the old Law, is used for a To, Do, Fu or prefectural road or a city, town or village road (including a road the route of which is recognized under the provision of Article 3) shall, notwithstanding the provision of Article 22 of the National Property Law (Law No. 73 of 1948), be deemed to have been lent gratis, at the time of the enforcement of the new Law, to the To, Do, Fu or prefecture (in case it is a To, Do, Fu or prefectural road located in the area of a designated city under the provision of Article 7 paragraph 3 of the new Law, to the designated city; hereinafter the same in this Article) or to the city, town or village (in case it is a city, town or village road the route of which has been recognized under the provision of Article 8 paragraph 3 of the new Law, to the city, town or village which is the administrator thereof; ~~hereinafter the same in this Article~~) where the To, Do, Fu or prefectural road or the municipal, town or village road concerned is located.

2 In the case of the preceding paragraph, if there are two or more local public bodies to which the national property may be lent, and one of the bodies concerned is a To, Do, Fu or prefecture, the Minister of Construction shall decide to which of them it is to be lent, and in other cases, the governor of To, Do, Fu or prefecture shall make decision thereof.

Article 6. A person who has obtained the permission or approval of the administrator under the provision of Article 26 paragraph 1 of the old Law as of the time when the new Law comes into force may, even after the enforcement of the new Law, collect a bridge toll or ferry toll following the principles thitherto for the period fixed in the permission or approval of the administrator. In this case, the provision of paragraph 2 of the same Article shall still be effective even

after the enforcement of the new Law.

Article 7. With regard to the administration and disposition of such articles constituting the disused roads and the accessories thereof as well as such disused materials, instruments, machines, etc. under the provision of Article 62 of the old Law as exist at the time when the new Law comes into force, the former examples shall still be followed, notwithstanding the provisions of Articles 93 to 96 inclusive of the new Law.

Article 8. The rights and duties of an administrator under the provision of the old Law existing at the time when the new Law comes into force shall, unless provided for in the preceding four paragraphs, be transferred to the road administrator of the road concerned under the provisions of the new Law.

Article 9. Unless provided for in the preceding seven Articles, the dispositions, procedures or other actions made or taken before the enforcement of the new Law in accordance with the provision of the old Law or orders based on the old Law shall, in regard to the application of the new Law, be deemed to have been made or taken in accordance with the provisions of the new Law, if there are any provisions corresponding thereto in the new Law. However, such conditions attached to the permission under the provisions of the old Law as in contravention of the provision of Article 88 of the new Law shall lose their effect to the extent of the contravention.

Article 10. With regard to the structure of a road, and a crossing under the provision of Article 31 of the new Law existing at the time when the new Law comes into force, if there is a part which does not conform to the provision concerned, such provision shall not apply to the part concerned except when they are reconstructed.

2 With regard to the vehicles which, belonging to a person who, with a licence under the provision of Article 4 paragraph 1 of the Road Transportation Law (Law No. 183 of 1951) obtained, is using a road for motor vehicle transportation business by fixing the route, do not conform to the standards as may be provided for by cabinet order under the provision of Article 47 paragraph 1, the provision of Article 47 of the new Law shall not apply except in case he intends to let the vehicles pass by obtaining the approval under the provision of Article 18 paragraph 1 of the Road Transportation Law (concerning only alteration in the business plan involving in it an increase in the size or weight of the motor-vehicles),

(Application of Penal Provisions)

Article 11. With regard to the application of the penal provisions to acts done prior to the time when the new Law comes into force, the former examples shall still be followed even after the enforcement of the new Law.

(Partial Amendments to Road Traffic Control Law)

Article 12. The Road Traffic Control Law (Law No. 130 of 1947) shall be partially amended as follows:

The following one paragraph shall be added next to Article 6 paragraph 1:

When the National Public Safety Committee intends, with regard to a road mentioned in Article 4 items (1) to (4) inclusive of the Road Law, to continuously prohibit or restrict the passage on the road, he shall in advance inform the road administrator of the road concerned of the object, section, period and reason of the prohibition or restriction. In emergency cases when he has had no time to inform the administrator in advance, he shall inform him of these items ex post facto without delay.

The following three paragraphs shall be added next to Article 26 paragraph 3:

When the chief of police intends to give the permission referred to in paragraph 1 with regard to a road prescribed in the road Law, if the provision of Article 32 paragraph 1 or 3 of the Road Law is to apply to the act for which the permission concerned has been applied, he shall in advance negotiate with the road administrator of the road concerned.

When the road administrator intends to give the permission referred to in Article 32 paragraph 1 or 3 of the Road Law, if the person who intends to obtain the permission falls under the person mentioned in one of the items of paragraph 1, he shall in advance negotiate with the chief of police section having jurisdiction over the area concerned.

Matters necessary for the procedures concerning the negotiations under the provision of the preceding two paragraphs shall be provided for by Prime Minister's Office and Ministry of Construction Ordinance.

In Article 28 item (6), "paragraph 4" shall be amended as "paragraph 7".

In Article 29 item (4), "Article 6" shall be amended as "Article 6 paragraph 1 or 3."

In Article 31, "or paragraph 3 or 4 of the same Article" shall be amended as "or paragraph 3 or 7 of the same Article."

(Partial Amendment to Ministry of Construction Establishment Law)

Article 13. The Ministry of Construction Establishment Law (Law No. 113 of 1948) shall be partially amended as follows:

In the Table of Article 10 paragraph 1,

"

Government Building and Repair Council:	To study and deliberate in response to the inquiries of the Minister of Construction upon important matters concerning government building and repair, to make recommendation on the said matters to the State organs concerned and to exercise powers based on the Government Building and Repair Law

shall be amended as

"

Government Building and Repair Council:	To study and deliberate in response to the inquiries of the Minister of Construction upon important matters concerning government building and repair, to make recommendation on the said matters to the State organs concerned and to exercise powers based on the Government Building and Repair Law.
Road Council:	To study and deliberate in response to the inquiries of the Minister of Construction upon the construction and reconstruction plans of roads, designation, of the routes of first class national roads or second class national roads, and system of roads including the structure of roads and the construction methods thereof and to make proposals on the said matters to the administrative organs concerned.

"

(Partial Amendment to Building Standard Law)

Article 14. The Building Standard Law (Law No. 201 of 1950) shall be partially amende as follows:

. Article 42 paragraph 1 item (1) shall be amended as follows:

(1) Roads specified under the Road Law (Law No. of 1952).

(Partial Amendment to Public Utilities Order)

Article 15. The Public Utilities Order (Cabinet Order No. 343 of 1950) shall be partially amended as follows:

Article 75 paragraph 4 shall be amended as follows:

4. The provision of the preceding three paragraphs shall not apply to the roads prescribed in the Road Law (Law No. of 1952) as well as to the land within the areas of roads decided under the provision of Article 18 paragraph 1 of the same Law and the things to be accessories to the roads constructed in the land concerned.

Article 75 paragraph 5 item (2) shall be amended as follows:

2. When he intends to make such arbitration concerning a petition under the provision of Article 97 paragraph 5 of the Road Law as related with the disposition mentioned in paragraph 1 item (5) or (13) of the same Law, in cases where the public utility concern intends to occupy a road referred to in the preceding paragraph, land within the area to be such a road, or something to be an accessory to the road established in the land concerned.

(Partial Amendment to Road Transportation Law)

Article 16. The Road Transportation Law ~~(Law No. 183 of 1951)~~ shall be partially amended as follows:

In Article 2 paragraph 7, "the Road Law (Law No. 58 of 1919)" shall be amended as "the Road Law (Law No. of 1952)."

(Partial Amendment to Vehicles for Road Transportation Law)

Article 17. The Vehicles for Road Transportation Law (Law No. 185 of 1951) shall be partially amended as follows:

In Article 2 paragraph 6, "the Road Law (Law No. 58 of 1919)" shall be amended as "the Road Law (Law No. of 1952)."

(Partial Amendment to Land Expropriation Law)

Article 18. The Land Expropriation Law (Law No. 219 of 1952) shall be partially amended as follows:

In Article 3 item (1), "Roads and accessories to roads under the Road Law (Law No. 58 of 1919)" shall be amended as "Roads under the Road Law (Law No. of 1952)."

(Partial Amendment to Law for the Special Measures for Construction and Reconstruction of Roads)

Article 19. The Law for Special Measures for the Construction and Reconstruction of Roads (Law No. of 1952) shall be amended as follows:

Article 2 paragraph 1 shall be amended as follows:

In this Law, "a road" shall mean a road under the Road Law (Law No. of 1952).

In Article 2 paragraph 2, "the administrator" shall be amended as "the road administrator (hereinafter referred to as the "administrator")."

In Article 3 paragraph 1, "notwithstanding the provision of Article 20 paragraph 2 of the Road Law" shall be amended as "notwithstanding the provisions of Article 12 and Article 13 paragraph 2 of the Road Law."

In Article 4 paragraph 2, "he shall consult the assembly of the local public body under his control and jurisdiction" shall be amended as "he shall follow the resolution of the assembly concerned."

In Article 6 paragraph 1, "only in case where he is the governor of To, Do, Fu or prefecture and the mayor" shall be amended as "only in case he is the To, Do, Fu or prefecture and the city;" in paragraphs 3, 5 and 6 of the same Article, "upon consulting beforehand the assembly of the local public body under his control and jurisdiction" shall be amended as "following the resolution of the assembly concerned;" and in paragraph 8 of the same Article, "the method settled by the governor of To, Do, Fu or prefecture or the mayor who is a road administrator" to "the method settled by the chief of To, Do, Fu or prefecture or city who is a road administrator".

In Arti
of the administrator of the road" shall be amended as "a local public body ... the administrator of a road."

In Article 13, "except Article 33 paragraph 3 and Article 35 paragraph 1" shall be amended as "except Articles 50 and 51."

Supplementary Provision:

This Law shall come into force as from the day of the coming into force of the new Law.

Reason:

For the enforcement of the Road Law, it is necessary to fix the transitory measures to adjust the provisions of laws concerned. This Bill is presented for this reason.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No. | From: Govt Section To: Transportation Section Date: 12 Apr 52

Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.

1 Incl The Road Bill

RSS
Trans
GS

F. R. ~~26-6410~~

Major Johnston

2 | From: TO To: Gov't Section Date: 17 APR 1952

Transportation Officer offers no comment on the attached Road Bill.

1 Incl
n/c

-HTM-

1 HR

ROAD BILL

WFM/REP/my
R. Phillips 26-6212

15 APR 1952

From: ESS To: GS

2. No comment.

1 Incl:
n/c

W. F. M.

Rm 502
Kokubu Bldg

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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- F. R. - - - - - - - - - - - - - - - -

FEC AGO Form No. 37

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.	From: Govt Section	To: Transportation Section	Date: 12 Apr 52

Immediate introduction of the attached draft bill in the Diet is proposed by

House of Representatives

1 Incl
The Road Bill

ESS
Trans
GS

- F. R. - - - - - - - - - - - - - - - -

FEC AGO Form No. 37

April 10, 1952.

Title of the Bill: The Road Bill

(Presented by TANAKA Kakuei)

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

House of Representatives
April 10, 1952.
(Presented by TANAKA Kakuei)

The Road Law

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