B. Materials

Applications for release of materials are submitted to the Military Government Team the Occupation units holding such materials through the prefectural government.

After the approval is given, each prefectural government releases it to the applicant at a reasonable price in accordance with instructions of the Economic Stabilization Board and other competent authorities in regard to important items.

2) Procured installations and goods

Applications for release are made through the prefectural government and the branch of the S.P.B. , and released items are being returned to former owners.

3) Trash and garbage of Occupation Forces

Garbage disposal Association has been established in Fukuoka and Oita under the guidance of the prefectural government, in order to let it control the contractors and insure speedy disposal of garbage. Other prefectures have no such organization, but they have selected constructors under the responsibility of the prefectural government, in order to dispose of garbage speedily.

(Shipbuilding Technique Council)

Article 8

The Shipbuilding Technique Council (hereinafter referred to as "the Council") shall be established in the Ministry of Transportation.

2. The Council shall make investigation and deliberation on the important matters in respect of the elevation of the shipbuilding technique in addition to the case contemplated in Paragraph 1 of the preceding Article 7.

3. The Council may present the views on the elevation of the Shipbuilding technique to the Minister of Transportation.

Article 9

The Council shall be composed of not more than fifteen members.

Article 10

The members of the Council shall be appointed or commissioned by the Minister of Transportation from among officials of the administrative offices concerned and persons having good knowledge and experiences.

2. The term of office of members shall be two years.

Article 11

The Council shall have a Chairman who shall be elected by the members from among themselves.

Article 12

In addition to the provisions of the present Law, the organization and operation of the Council and other necessary matters concerning it shall be provided for by a Supplementary Ministerial Ordinance.

(Penal provisions)

Article 18

Any person who, in violation of the provisions of Article 4, Paragraph 1, has commenced construction or conversion, shall be liable to penal servitude for not more than 3 years or to a fine not exceeding 500,000 yen.

Article 19

Any person who has violated the provisions of Article 2 or 3 shall be liable to a fine not exceeding 100,000 yen.

Article 20

Any person falling under any of the following items shall be liable to a fine not exceeding 30,000 yen.

(1) Any person who has failed to report pursuant to the provisions of Article 13 or 17 or to submit a report prescribed in the provisions of Article 14, or has made or submitted a false report;

(2) Any person who has refused, obstructed or evaded the inspection of the competent official prescribed in the provisions of Article 15.

Article 21

In case a representative of any juridical person, or an agent, employee or other worker of a juridical or natural person has committed any of the offences mentioned in Articles 18 to 20 inclusive, in respect of the business affairs of the said juridical or natural person, the said juridical or natural person shall be liable to the fine prescribed in each of the said articles, in addition to the punishment meted out to the actual offender.

(e) Understanding to share losses due to a change of design or suspension of construction work at the request of one of the contracting parties.

(f) Understanding to share losses due to disasters and acts of God.

(g) Change in the amount of contract money or in details of construction work due to fluctuations or changes in the prices of commodities.

(h) Time of final inspection and time of delivery.

(i) Time of payment of contract money on completion of construction work

(j) Interest on the amount in arreas, money for breach of contract and other compensations in case one of the contracting parties delays in performance or fails to satisfy other debts, etc.

(k) Method of settling disputes over contract.

Construction Contractors Law

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Supplementary Rules

Chapter I. General Provision

(Purport)

Art. 1. The objects of this Law are to insure prosecution of proper execution of construction works and also to contribute toward wholesome progress and improvement of contractors busines by means of enacting registration of person engaged in contractor's business, effecting coordination of contract for construction work, providing of resident engineer, etc.

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Supplementary Rules

Chapter I. General Provision

(Purport)

Art. 1. The objects of this Law are to insure prosecution of proper execution of construction works and also to contribute toward wholesome progress and improvement of contractors business by means of enacting registration of person engaged in contractor's business, effecting coordination of contract for construction work, providing of resident engineer, etc.

(Definition)

Art. 2. In this Law, by "construction work" meant works under separate table shown elsewhere which concern with civil engineering and building construction.

2 In this Law by "construction business" meant, business engaged under contract for completion of construction works irrespective of how done, collectively, classes by trade, by principal contract, sub-contract or others of whatever term or name may be.

3 In this Law by "Construction Contractor" meant person engaged in contractor's business having registered in accordance with the regulations of Art. 8.

(Exclusion from application)

Art. 3. This Law shall not apply to person coming under one of the following cases:

1. Person engaged solely in petty jobs under contract specified by government ordinance.

2. Person engaged solely for completion of works from 14 to 22 given in separate table under contract.

Chapter II. Registration

(Registration)

Art. 4. Person engaging in construction business shall be registered as Contractor in accordance with the registrations of this Law.

2 Registration of preceding paragraph shall be effective for the period of two years.

3 Person Continuing Construction business after expiration of the effective period of the registration of paragraph 1 shall be required to renew the registration as Construction Contractor.

(Requirements for registration)

Art. 5. Person applying for registration (including person applying for renewal of registration in accordance with the regulation of paragraph 3 of the preceding article) hereafter called "applicant for registration" and (in case of juridical person its officer, staff engaging in execution of business affairs, director or person of similar capacity, and so forth) or one of his employeess shall have to satisfy any one of the following cases.

1. Person after graduated from high school under School Education Law (Law No. 26 of 1947), including technical school under old Middle School Regulation's (Imperial Ordinance No. 36 of 1943), for more than five years, or after graduated from high school than university under the same law, including college under old College Law (Imperisl Ordinance No. 61 of 1903) or university under old University Law (Imperial Ordinance No. 388 of 1918), for more than three years having experience of actual works at the same time having taken studies required by Construction Ministerial Ordinance or person approved by Minister of Construction as having schooling equal to or execlled or having qualification and actual experience acceptable.

2. Person granted with permit in accordance with the laws or orders concerned with construction work or person having approval regarding technical training and skill.

3. Person having actual experience for 10 years or more concerning construction works.

(Application for registration)

Art. 6. Applicant for registration who carries business in offices in two or more prefectures (main office or branch offices or similar facilities specified by government ordinance, and so forth), in accordance with the Construction Ministerial Ordinance, shall submit ap-

1. Person after graduated from high school under School Education Law (Law No. 26 of 1947), including technical school under old Middle School Regulation's (Imperial Ordinance No. 36 of 1943), for more than five years, or after graduated from high school than university under the same law, including college under old College Law (Imperisl Ordinance No. 61 of 1903) or university under old University Law (Imperial Ordinance No. 388 of 1918), for more than three years having experience of actual works at the same time having taken studies required by Construction Ministerial Ordinance or person approved by Minister of Construction as having schooling equal to or execlled or having qualification and actual experience acceptable.

2. Person granted with permit in accordance with the laws or orders concerned with construction work or person having approval regarding technical training and skill.

3. Person having actual experience for 10 years or more concerning construction works.

(Application for registration)

Art. 6. Applicant for registration who carries business in offices in two or more prefectures (main office or branch offices or similar facilities specified by government ordinance, and so forth), in accordance with the Construction Ministerial Ordinance, shall submit application for registration to Minister of Construction with the following matters inscribed and likewise applicants other than above mentioned shall submit application to prefecture governor having jurisdiction over the locality in which their offices are situated respectively.

1. Trade name or name

2. Name of office and locality

3. In case of juridical person, amount of its capital (amount of total investment, total amount of stocks or amount of total of invested amount and amount of stocks, and so forth) and name of officers.

4. In case of private person, his name, and name of manager if any,

5. Classification: collective contractor or contractor by trade;
Classes of construction works chiefly done by contradt and class of specialized work specified by the Construction Ministerial ordinance.

6. In case engaged in any other business, its class.

(Accompanying documents to registration application)

Art. 7. In registration application of the preceding Article, in accordance with the provisions of Construction Ministerial Ordinance, shall attach each and all documents given below:

1. Record of works done in past

2. Written statement about the amount of cost of construction done in each of the last two fiscal years.

3. Written statement about number of employees, and name, kind, capacity and number of machineries and appliances used in the business.

4. Written statement swearing that applicant for registration (in case of juridical person, juridical person concerned and its officers) and legal agent not to come under disqualification conditions specified clause by clause in paragraph 1 of Art. 11, and having employed technical man satisfying one of requirements stipulated clause by clause in Art. 5

5. The documents, specified by Construction Ministerial Ordinance, stating essential matters to show status of business not given in documents of clauses from 1 to 3.

(Enforcement of registration and notice of registration)

Art. 8. In case application for registration specified in Art. 6 is filed, excepting the case of rejecting the registration by regulations of paragraph 1 of Art. 11, Minister of Construction or prefectural governor, without delay, shall register in Construction Contractors Register (hereafter called "Register") as to matters stipulated in each clause of Art. 6 and date and number of registration.

When Minister of Construction or prefectural governor completed the registration in accordance with the preceding paragraph, he shall immediately notify the applicant concerned accordingly.

(Application for change of registration)

Art. 9. In case contractor after having registered according to the regulations of the preceding Article comes under one of the following cases, in accordance with the provisions of Construction Ministerial Ordinance, shall apply for change of the registration to Minister of Construction or prefectural governor without delay.

1. In case person having registered by Minister of Construction has now only one office in prefecture

2. In case person having registered by prefectural

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(Application for change of registration)

Art. 9. In case contractor after having registered according to the regulations of the preceding Article comes under one of the following cases, in accordance with the provisions of Construction Ministerial Ordinance, shall apply for change of the registration to Minister of Construction or prefectural governor without delay.

1. In case person having registered by Minister of Construction has now only one office in prefecture

2. In case person having registered by prefectural governor has now office in prefecture other than the prefecture concerned

3. In case person having registered by prefectural governor has now closed his office in the prefecture concerned and has established his office in other prefecture.

2 Art. 8 shall be applied for the case application for change of registration in accordance with the regulation of the preceding paragraph being filed.

3 Contractor having registered in accordance with the preceding paragraph shall notify the Minister of Construction or the prefectural governor who registered the previous one without delay accordingly.

(Prohibition of business without registration)

Art. 10, No person shall be permitted to engage in construction business unless registered as contractor according to the regulations of Art. 8.

(Rejection of Registration)

Art. 11. Minister of Construction or prefectural governor shall reject registration in case applicant of registration comes under one of the following disqualification conditions, or put down false statement regarding important matters in application for registration or documents attached thereof, or lacks statements respect to important facts.

1. Bankrupt and not reinstated

2. Person cancelled of registration due being under clauses 5 and 6 of the Art. 29 and not passed two years after day of cancellation of registration (in case of juridical person, include person who was one of the officers at the time of cancellation).

3. Person having violated the regulation's of preceding Article and penalized heavier than fine and completed penal service thereof, or not passed two years from the day of purge from penal service (in case of juridical person, person who was one of the officers at the time sentenced for penal service.)

4. Legal agent acting for minor or interdict having no equal capability of matured people regarding transaction of business falling on any one of the preceding paragraph

5. In juridical person, any one of the officers coming under clauses 1 to 3.

2 In case rejected the registration by regulations of paragraph 1, Minister of Construction or prefectural governor shall, without delay, notify the applicant of registration giving the reasons for rejection accordingly.

(Registration fee)

Art. 12 Applicant for registration and applicant for change of regulation according to the regulations of Art. 9 shall pay registration fee in accordance with the provisions of government ordinance.

(Notice of Charges, etc.)

Art. 13. When changes are made in any matter given in each clause in Art. 6, construction Contractor shall, without delay, submit document of alteration to Minister of Construction or prefectural governor in accordance with the provisions of Construction Ministerial Ordinance.

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Art. 13. When changes are made in any matter given in each clause in Art. 6, construction contractor shall, without delay, submit document of alteration to Minister of Construction or prefectural governor in accordance with the provisions of Construction Ministerial Ordinance.

2 The regulation of Paragraph 1 of Art. 8 and Art. 11 shall be applied when change is applied according to the regulation of preceding Article.

3 Construction contractor shall submit to Minister of Construction or prefectural governor the documents specified in clauses 1 and 2 of Art. 7 at the time of the end of each business year and other documents specified by Construction Ministerial Ordinance within the period not later than two months after the end of each business year.

4 When changes are made in inscribed matters of documents regulated in clause 3 of Art. 7 and other documents stipulated in Construction Ministerial Ordinance, construction contractor shall notify with the same documents to Minister of Construction or prefectural governor within two months after the end of each business year.

(Notice of closing of business)

Art. 14. When construction contractor caused to come under one of the following cases, person given in each clause concerned shall notify Minister of Construction or prefectural governor within 30 days accordingly.

1. When construction contractor deceased, his successor

2. In case juridical person ceased to exist by reason of amalgamation, its used to be officers.

3. When juridical person dissolved by reason other than amalgamation or bankruptcy, its liquidator.

4. When ceased to be construction contractor, individual used to be construction contractor or officers of juridical person used to be construction contractor.

(Cancellation of registration)

Art. 15. In case coming under each clause given below, Minister of Construction or prefectural governor shall cancel the registration of the construction contractor concerned from the Register.

1. In case notice filed according to the regulation of preceding Article or paragraph 3 of Art. 9.

2. In case no renewal of application for registration is filed when effective period of registration in accordance with regulations of paragraph 1 of Art. 4 is expired.

3. In case the registration of the construction contractor is cancelled in accordance with the regulations of Art. 29.

2 The regulations of paragraph 2 of Art. 11 shall be applied for the case the registration is cancelled in accordance with the regulations of preceding paragraph.

(Inspection of Register, etc. open to public)

Art. 16. Minister of Construction or prefectural governor, in accordance with provisions of Construction Ministerial Ordinance, shall provide place to inspect Construction Contractors Register for benefit of inspecting Register and documents, etc. specified in Art. 7, Par 1, Par 3, and Par 4 of Art. 13 by general public.

(Disposal of construction work in case of cancellation of registration)

Art. 17. In case construction contractor is cancelled of registration in accordance with the regulations of Par 1 of Art. 15 the used to be contractor of his successor in general, irrespective of the regulations of Art. 10, may continue to execute the construction work under contract closed previous to cancellation of registration. In this case the used to be

governor shall cancel the registration of the construction contractor concerned from the Register.

1. In case notice filed according to the regulation of preceding Article or paragraph 3 of Art. 9.

2. In case no renewal of application for registration is filed when effective period of registration in accordance with regulations of paragraph 1 of Art. 4 is expired.

3. In case the registration of the construction contractor is cancelled in accordance with the regulations of Art. 29.

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Art. 17. In case construction contractor is cancelled of registration in accordance with the regulations of Par 1 of Art. 15 the used to be contractor of his successor in general, irrespective of the regulations of Art. 10, may continue to execute the construction work under contract closed previous to cancellation of registration. In this case the used to be construction contractor or his successor in general shall notify the Owner accordingly without delay after cancellation of registration took effect.

2 Minister of Construction or prefectural governor, irrespective of the regulations of preceding paragraph, when deemed it necessary for interest of general public may order suspension of the construction work concerned.

3 Person continue to execute construction work by regulations of paragraph 1 may be considered as construction contractor so far it concerns with the purpose of completing the construction work concerned.

4 Owner of construction work may rescind the contract for that construction work limiting the period not to exceed 30 days reckoning from the day of cancellation of registration of construction contractor concerned or from day of receiving the notice specified in the regulations Par 1.

Chapter III. Contract for construction work

(Fundamental Rules for Contract of Construction work)

Art. 18. Parties concerned with contract for construction work shall stand on equal footing and basing on mutual agreement shall close fair and legitimate contract and shall observe the terms with sincerity and faithfully.

(Details of contract for construction Contract)

Art. 19. Parties concerned with construction work respecting the objects of preceding Article, shall clasify in writing the following matters in closing the contract.

1. Details of Construction work.
2. Amount of contract money.
3. Time of starting construction and target date of its completion.
4. Time and method of payment in case conditions for payment are so fixed to pay in advance whole or part of contract money or partial payment according to work completed.
5. Understanding regarding sharing of losses due to change of design or cessation of construction work requested by either one of the parties.
6. Understanding regarding sharing of losses due to disasters and Acts of God.
7. Changes in amount of contract money or in details of construction work due to fluctuations or changes in price of commodities (prices regulated in Art. 2 of Prece Contral Regulations (Imperial Ordinance No. 118 of 1946).
8. Time of final inspection and time of delivery
9. Time of payment of contract money at completion of construction work.
10. Interest for delay, money for breach of contract and other compensations in case of either one of parties delays in performance of failure to satify other debts, etc.
11. Method of settling disputes over contract

(Period for making estimates for construction work)

Art. 20. Period of construction work, in case of closing contract by means of free contract,

2. Amount of contract money.

3. Time of starting construction and target date of its completion.

4. Time and method of payment in case conditions for payment are so fixed to pay in advance whole or part of contract money or partial payment according to work completed.

5. Understanding regarding sharing of losses due to change of design or cessation of construction work requested by either one of the parties.

6. Understanding regarding sharing of losses due to disasters and Acts of God.

7. Changes in amount of contract money or in details of construction work due to fluctuations or changes in price of commodities (prices regulated in Art. 2 of Price Control Regulations (Imperial Ordinance No. 118 of 1946).

8. Time of final inspection and time of delivery

9. Time of payment of contract money at completion of construction work.

10. Interest for delay, money for breach of contract and other compensations in case of either one of parties delays in performance of failure to satify other debts, etc.

11. Method of settling disputes over contract

(Period for making estimates for construction work)

Art. 20. Owner of construction work, in case of closing contract by means of free contract, previous to closing of contract, in case of competitive bidding, before making bid, shall allow certain period of time required as provided by government ordinance for construction contractor to make estimate for the construction work concerned.

(Guarantee of constract)

Art. 21. In contract for construction work, if it is agreed to pay whole or a part of contract money in advance, the Owner, previous to paying in advance may request of construction contractor to name a guarantor excepting petty jobs specified by government ordinance.

2 Construction contractor requested according to the preceding paragraph shall name a guarantor to comply with one of the following cases:

1. Guarentor for paying interest for delay, money for breach of contract or other compensations in case construction contract fails to pay due debts.

2. Other construction contractor guarantying to complete construction work by himself in stead of the construction contractor.

3. In case the construction contractor requested to name a guarantor in accordance with the regulation of Par 1 but fails to name one, the Owner, irrespective of what specified in the contract may not have to pay in advance.

(Prohibition of sub-letting in entirety)

Art. 22. Construction contractor in respect to the construction work under contract, irrespective of how it is done, shall not sub-let the work in its entirety to any other single construction contractor.

2 The regulations of preceding paragraph shall not apply in case the construction contractor obtains the written approval of the Owner.

(Request for change of sub-contractor)

Art. 23. Owner may request the principal contractor in case there is any sub-contractor proved to be quite unfitted for executive of construction work to change the same excepting for the case the written approval of the Owner was obtained before the selection of the sub-contractor was made.

(Disposal of disputes concerning contract)

Art. 24. In case dispute over contract for construction work came up and when one or both of parties concerned make appeal, Construction Contractors Council may act as mediator for settling the dispute concerned.

(Cases considered as contract)

Art. 25. Contract closed with purpose of completing construction work with due compensation irrespective of how it is done, entrusted or under any means named to suit, shall be considered as contract for construction and the regulations of this Law shall be applied accordingly.

Chapter IV. Providing Engineers

(Providing Resident Engineer)

Art. 26. When a construction contractor executes a construction work, he shall appoint a person coming under one of the items of Art. 5 who takes charge of technical management in execution of the construction work at the job site (hereinafter called "resident engineer").

2 Concerning an important work of a public structure prescribed by Cabinet Order, the construction contractor shall appoint a full-time resident engineer.

(Providing Engineer at Office)

Art. 27. A construction contractor registered by the Minister of Construction shall appoint one or more persons coming under one of the Items of Art. 5 at one of his offices within the same prefecture.

Chapter V. Supervision.

(Direction, Advice and Suspension of Business)

Art. 28. In case a construction contractor comes under one of the following items or violates this Law or a Cabinet Order or Ministerial Ordinance based on this Law, the Minister of construction or prefectural governor may give necessary direction to such contractor or advise him to take proper measures.

1. In case intentional or unintentional rough execution of a construction work on the part of the construction contractor has caused injury to the public or when there is a strong fear of causing such injury.

2. In case the construction contractor has been unfaithful concerning contract.

3. In case the construction contractor officer of the contractor if he is a juridical person) or a person who represents the business office has been sentenced to a fine or heavier punishment on account of his violation of the law or ordinance in connection with his

engineer.

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1. In case intentional or unintentional rough execution of a construction work on the part of the construction contractor has caused injury to the public or when there is a strong fear of causing such injury.

2. In case the construction contractor has been unfaithful concerning contract.

3. In case the construction contractor officer of the contractor if he is a juridical person) or a person who represents the business office has been sentenced to a fine or heavier punishment on account of his violation of a law or ordinance in connection with his business, or he is deemed unsuited to be a construction contractor because he has violated some other law or ordinance pertaining to construction works.

4. In case the construction contractor has violated the provisions of Art. 22.

5. In case the resident engineer prescribed by the provisions of Art. 26, Par. 2 is deemed to be extremely unsuited for managing the execution of the work and the changing of the person is deemed to be necessary for the public interest

2 In case a construction contractor comes under one of the items of the preceding Article or he does not obey a direction based on the provisions of the preceding Paragraph, the Minister of Construction or prefectural governor may, after obtaining an approval by the Central Contract Council or the Prefectural Contract Council, order suspension of the whole or a part of his business for a fixed period less than six months.

3 When the Minister of Construction or the prefectural governor gives a direction or advice to a construction contractor coming under Par. 1, Item 1, if he deems it specially necessary, he may also advise the orderer to take proper steps.

4 In case a construction contractor who has been registered by the prefectural governor does construction business at a place outside the prefecture without establishing a business office, the provisions of the preceding three Paragraphs shall apply correspondingly to the prefectural governor having jurisdiction over the place.

5 The provisions of Art. 17, Par. 1 shall apply correspondingly to the case where a construction contractor has been ordered suspension of business in accordance with the provisions of Par. 2 (including the case concerning which corresponding application is prescribed in the preceding Paragraph)

(Cancellation of Registration)

Art. 29. When a construction contractor who has been registered by the Minister of Construction or the prefectural governor has come under one of the following items, the Minister or governor shall, after obtaining an approval by the Central Contract Council or the Prefectural Contract Council, Cancel the registration of the said construction contractor.

1. In case he no longer has an employee having qualifications provided in one of the Items of Arti 5.

2. In case he has come under the provisions of Art. 11, Par. 1, Item 1 and Items 3 to 5.

3. In case he has not started business within one year after being registered or has closed business for more than one year continuously.

4. In case he submits no report prescribed in Art. 14.

5. In case he has obtained by improper means his registration prescribed in Art, 8, Par. 1.

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1. In case he no longer has an employee having qualifications provided in one of the Items of Arti 5.

2. In case he has come under the provisions of Art. 11, Par. 1, Item 1 and Items 3 to 5.

3. In case he has not started business within one year after being registered or has closed business for more than one year continuously.

4. In case he submits no report prescribed in Art. 14.

5. In case he has obtained by improper means his registration prescribed in Art, 8, Par. 1.

6. In case he has come under the causes of suspension of business and the case is specially serious, or in case he has offended against the punishment of suspension of business in accordance with the provisions of Par. 2 of the same Article (including the case where corresponding application is prescribed in Item 4 of the same Article).

(Report of Irregularities)

Art. 30. In case a construction contructor comes under one of the Items of Art. 28, Par. 1, an interested person may report the fact and appeal for proper measures to the Minister of Construction or the prefectural governor by whom the said contractor has been registered.

(Right to Demand Report and Right of Inspection)

Art. 31. When he deems it necessary, the Minister of Construction may demand any construction contractor, and the prefectural governor any such contractor as has been registered by him, to submit a necessary report concerning his business, property or the situation of the execution of work and also may cause his officials in charge enter the contractor's business office and other places concerned with the business and inspect books, papers and other things.

2 In case a construction contractor registered by the governor of a prefecture does construction business at a place outside the said prefecture without establishing a business office, the provisions of the preceding Paragraph shall apply correspondingly to the prefectural governor having jurisdiction over the said place.

3 In case an official in charge makes an inspection by entering the premises in accordance with the provisions of Art. 1 (including the case concerning which corresponding appliance is prescribed in the preceding Paragraph), he shall carry an identity card denoting his office.

4 Necessary items concerning the qualifications of an official in charge shall be fixed by Ministry of Construction Ordinance.

Art. 32. In case the Minister of construction or the prefectural governor makes disposition prescribed in Art. 11, Par. 1 (including the case concerning which corresponding appliance is prescribed in Art. 13, Par. 2), Art. 15, Par. 1 Item 2 or Art. 28, Par. 1 (including the case concerning which corresponding appliance is prescribed in Item 4 of the same Article) he shall beforehand hold a hearing relative to the construction contractor in question, and, when necessary, ask opinions of witnesses. He may, however, make disposition without a hearing if the construction contractor in question does not respond to the summons, for hearing without proper reason.

Chapter VI. Construction Contract Councils.

(Establishment and Purpose)

Art. 33. The Construction Contract Councils shall be established for the purposes of making them determine concerning their approval of disposition to be done by the Minister of Construction or the prefectural governor and also of making them investigate and deliberate on important affairs regarding improvement of the construction business

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Chapter VI. Construction Contract Councils.

(Establishment and Purpose)

Art. 33. The Construction Contract Councils shall be established for the purposes of making them determine concerning their approval of disposition to be done by the Minister of Construction or the prefectural governor and also of making them investigate and deliberate on important affairs regarding improvement of the construction business when inquired by the Minister of Construction or the prefectural governor.

2 The Construction Contract Councils shall be the Central Construction Contract Council and the Prefectural Construction Contract Councils, The central Construction Contract Contract Council shall be established in the Ministry of Construction, and the Prefectural Construction Contract Council in each Prefecture.

(Suggestion and Advice)

Art. 34. The Construction Contract Councils may make suggestion to offices concerned on matters pertaining to contract.

2 The Central Construction Contract Council may formulate a standard contract clause of construction works and advise its enforcement.

Art. 35. The Central Construction Contract Council shall consist of Councillors up to twenty-five in number and the Prefectural Construction Contract Council up to twenty Councillors.

2 Councillors of the Central Construction Contract Council shall be appointed or commissioned by the Minister of Construction and those of the Prefectural Construction Contract Council by the prefectural governor after obtaining Minister of Construction's approval, from among officials of offices concerned, persons of learning and experience, requirers of construction works, and construction contractors.

3 The Councillors appointed or commissioned from among requirers and those from among construction contractors shall be the same in number, and the number put together of such Councillors shall not exceed two-thirds of the total number of the Councillors.

(Items Disqualifying Councillors)

Art. 36. A person who comes under one of the following Items shall not be a Councillor.

1. Bankrupt who has not been rehabilitated.

2. Person who was sentenced to imprisonment or heavier punishment and five years have not elapsed yet since the day he finished serving the term of sentence or was released from the execution of the sentence.

3. Person who has been sentenced to fine or heavier punishment in accordance with this Law.

(Term of Councillors)

Art. 37. The term of the Councillors other than those appointed from among officials of offices concerned shall be four years. However, the term of Councillor succeeding to a vacancy shall be the remaining period of his predecessor.

2 A Councillor referred to in the preceding Paragraph may be re-appointed.

(Chairman)

Art. 38. The Central Construction Contract Council and each of the Prefectural Construction Contract Councils shall have a Chairman

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(Chairman)

Art. 38. The Central Construction Contract Council and each of the Prefectural Construction Contract Councils shall have a Chairman respectively. The Chairman shall be elected by mutual vote of the Councillors from among learned and experienced Councillors.

2 The Chairman shall preside over affairs of the Council.

3 When the Chairman is prevented from attendance, a person previously elected by mutual vote from among learned and experienced Councillors shall act for him.

Art. 39. Necessary matters pertaining to the Construction Contract Councils not prescribed in this chapter shall be fixed by Cabinet Order.

Chapter VII. Miscellaneous Rules

(Putting up of Mark)

Art. 40. A construction contractor shall put up a mark fixed by Ministry of Construction Ordinance at a place noticeable to the public for his office and every job site of construction works.

(Appeal)

Art. 41. With regard to affairs prescribed in this Law, a person who is dissatisfied with a disposition made by the Minister of Construction or by the prefectural governor may appeal to the Minister of Construction.

(Delegation of Authority)

Art. 42. The Minister of Construction may, when he deems there is a special necessity, delegate to the prefectural governors a part of his authority prescribed in Art. 31, Par. 1.

(Expenses Borne by Prefectures)

Art. 43. The expenses needed for the prefectural governor to enforce this Law shall be borne by the prefecture concerned.

(Witness's Right to Demand Expenses)

Art. 44. A witness who has reported himself as asked for his opinion in accordance with the provisions of Art. 32 may demand his travelling expenses, daily allowance and other expenditures as fixed by Cabinet Order.

Chapter VIII. Punishment

Art. 45. A person who comes under one of the following items shall be condemned to imprisonment with hard labor not exceeding one year or a fine not exceeding 100,000 yen.

1. Person who has carried on construction contract business without being registered, in violation of the provisions of Art. 10.

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Art. 45. A person who comes under one of the following items shall be condemned to imprisonment with hard labor not exceeding one year or a fine not exceeding 100,000 yen.

1. Person who has carried on construction contract business without being registered, in violation of the provisions of Art. 10.

2. Person who has carried on construction contract business in violation of the disposition of a suspension of business prescribed in Art. 7 or Art. 28, Par. 2 (including the case concerning which corresponding appliance is prescribed in Par. 4 of the said Article).

3. Person who has been registered as prescribed under the provisions of Art. 8, Par. 1 based on a false or unjust fact.

2 If conditions be, a person who has committed an offence referred to in the preceding Paragraph, may be condemned both to an imprisonment with hard labor and a fine.

Art. 46. A person coming under one of the following items shall be condemned to a fine not exceeding 50,000 yen:

1. Person who has submitted a registration application prescribed in Art. 6 with false statement.

2. Person who has not submitted papers prescribed in Art. 7, or Par. 1, 3 or 4 of Art. 13, or who has submitted such papers with false statement.

Art. 47. Person coming under one of the following items shall be condemned to a fine not exceeding 20,000 yen:

1. Person who has failed to report as prescribed in the latter half of Art. 17, Par. 1 (including the case concerning which corresponding appliance is prescribed in Art. 28, Par. 5).

2. Person who has failed to appoint a resident engineer as prescribed in Art. 26, Par. 1 or 2.

3. Person who has failed to appoint an engineer as prescribed in Art. 27.

4. Person who has failed to submit a report as prescribed in Art. 31, Par. 1 (including the case concerning which corresponding appliance is prescribed in Par. 2 of the said Article), or has submitted a false report.

5. Person who has rejected, obstructed or evaded an inspection as prescribed in Art. 31, Par. 1 (including the case concerning which corresponding appliance is prescribed in Par. 2 of the said Article).

Art. 48. In case the representative of a juridical person, a juridical person or its agent, employee or other person working there has acted in violation of Art. 45 to the preceding Article in connection with the business or property of the juridical person or person, the said juridical person or person shall be condemned to a fine prescribed in the said respective Article besides the punishment of the violator himself.

Art. 49. A person coming under one of the following items shall be condemned to a fine not exceeding 10,000 yen:

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3. Person who has failed to appoint an engineer as prescribed in Art. 27.

4. Person who has failed to submit a report as prescribed in Art. 31, Par. 1 (including the case concerning which corresponding appliance is prescribed in Par. 2 of the said Article), or has submitted a false report.

5. Person who has rejected, obstructed or evaded an inspection as prescribed in Art. 31, Par. 1 (including the case concerning which corresponding appliance is prescribed in Par. 2 of the said Article).

Art. 48. In case the representative of a juridical person, a juridical person or its agent, employee or other person working there has acted in violation of Art. 45 to the preceding Article in connection with the business or property of the juridical person or person, the said juridical person or person shall be condemned to a fine prescribed in the said respective Article besides the punishment of the violator himself.

Art. 49. A person coming under one of the following items shall be condemned to a fine not exceeding 10,000 yen:

1. Person who has failed to submit a report as prescribed in Art. 14.

2. Person who fails to put up a mark as prescribed in Art. 40.

Supplementary Provisions:

(Date of Enforcement)

1. The present Law shall come into force as from the day fixed by Cabinet Order exceeding sixty and not exceeding ninety days after its promulgation.

(Persons Carrying On Construction Business on the Day of Enforcement of This Law)

2. A person carrying on construction contract business on the day of enforcement of this Law shall be regarded as a construction contractor for sixty days even if he is not registered as prescribed in Art. 4, Par. 1. In case the person has applied within the period for registration as prescribed in Art. 6, even when the period has expired, the said rule shall apply to him until the day of a disposition of his application.

3. The provisions of Articles 18 through 24, and Articles 26, 27 and 40 shall not apply to a person who has been regarded as a construction contractor in accordance with the provisions of the preceding Article.

4. The provisions of Art. 17 shall apply correspondingly to the case where the registration of a person who has been regarded as a construction contractor in accordance with the provisions of the latter half of Par. 2 of the Supplementary Provisions has been rejected in accordance with the provisions of Art. 11, Par. 1.

5. A person who has failed to submit a report as prescribed in the latter half of Art. 17, Par. 1 applying correspondingly in the preceding Paragraph shall be condemned to a fine not exceeding 20,000 yen.

(Term of Persons to Be First Councillors of Construction Contract Councils)

6. Concerning the term persons to be the first councillors of the Construction Contract Councils, except the Councillors appointed from among officials of offices concerned, the term of one half of them shall be two years, and that of the other half shall be four years, which shall be decided by lot at the first meeting.

Separate Table

1. Carpentry works (except fixture installation works).
2. Plaster works.
3. Earthworks.
4. Masonry works (except works of tombstones, monuments, gardenstones, and the like).
5. Roofing works (except sheet metal roofing works).
6. Electric wiring works.
7. Piping works (including deep well-boring works).
8. Brick works.
9. Structural steel works.
10. Reinforcing steel works.
11. Paving works.
12. Concrete works.
13. Dredging works.
14. Sheet metal works.
15. Scaffolding works.
16. Glazing works.
17. Painting works.
18. Water proof works.
19. Tile works.
20. Wall-paper works.
21. Machine and tool installation works.

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16. Glazing works.

17. Painting works.

18. Water proof works.

19. Tile works.

20. Wall-paper works.

21. Machine and tool installation works.
(including metal-furniture installation works and metal equipment installation works).

22. Insulation works.

Reason:

In the light of the public nature of the construction business, its importance in the rehabilitation of the people's economy, and the current situation of the construction business, it is necessary to insure proper execution of construction works as will as to promote a sound development of the construction business by effecting the registration of persons who engage in construction business, regulating the contracts for construction works, providing construction engineers, etc. The above is the reason for presenting this bill.

KEIBO HATSU No. 66 (Summarized Copy) 5 April 1949

TO : Chief of Each Police District Headquarters
Chief of Police Force, Each Prefectural Headquarters

FROM: Chief of Criminal Division, National Rural Police Headquarters

SUBJECT: Control on ghost population.

Control on the ghost population was enforced with good results last August when the "Staple Foods Purchasing Note-Book" was renewed. However, comparing the total population in Japan with actual numbers as shown on the list of Food Distribution Kodan and also in view of the fact that the distribution of staple foods it appears last year exceeded the initial plan by about 60,000 tons, a ghost population of 1,000,000 - 2,000,000 is still receiving food rations.

Now, it has become quite desirable to enforce control more tightly under the "Nine-Point Economic Principles". The "Inhabitant Registration Bill" now being drafted will be presented to the present session of the Diet and put into force as from August this year. Although the ghose population will decrease logically after its enforcement, it is quite necessary to continue the rigid control as the measures for the time being. Therefore, we should like you to do so by taking into consideration the following points.

I. Control Policy:-

In compliance with the memorandum for strengthening the staple food distribution system, thorough going control shall be carried out on the ghost population resulting from illegal use of "staple food purchasing note-book", double registration by forging "removal certificate", false reports, non-submission of reports, etc.

Wide-spread and long-term control shall be enforced throughout Japan.

II. Control method:-

Keeping close contact with public procurator's offices, economic investigation board, etc., the following measures shall be taken and the control plan shall be reported to each local military government team.

1) Preparatory measures.

a. Crime Prevention Measures.

Preventive measures shall be taken to have illegal receipt by mistake stopped voluntarily, by popularizing the purport of this control, while you should ask general public for positive co-operation in order to make the control on vicious offenders more effective

General View on Labour Dispute in February 1949

The following is the general situation on labour disputes in February, 1949, as announced by the Labour Ministry. The number of labor disputes fell to a significant low level in January, 1949, but it slightly increased again in February. However, Generally speaking, it was nearly the same as the preceding month.

Labour disputes in February numbered 174 cases with 435,691 workers involved. The number of cases was less by 2 than in January, but the number of workers involved showed an increase of about 50,000. The only nation-wide dispute which occured in February was that of the National Federation of Metal Miners Unions. Occurrence of this dispute was due to the employer's noncompliance with the wage clause of the agreement concluded in December, 1948. The dispute lasted for three days, covering three districts, but the workers involved were a part of the union members, numbering approximately 27,000.

Disputes other than the one mentioned above were on a small scale, involving unions of medium and small enterprises, and the total number of these disputes was 56 cases with about 60,000 workers involved. Man-days lost in the month reached 76,000 or thereabouts. In February 78 cases involving 47,884 workers were settled amicably, i.e. 44.8 percent of the disputes and 11.0 percent of the workers involved.

These percentages were very high, though below the figures for last December the month immediately after the Japanese government was instructed to carry out the 3-Poing industrial recovery program. It is noteworthy that the number of settlements under compromise terms has considerably increased.

	No. of settlement	Percentage to total disputes	No. of workers involved in disputes settled	Percentage to total workers involved
Oct. 1948	94	39.4	42,299	5.5
Nov. "	66	28.8	29,028	2.1
Dec. "	130	50.6	781,484	63.2
Jan. 1949	60	34.1	18,530	4.8
Feb. "	78	44.8	47,884	11.0

Of all the demands made in disputes, 52 cases were those for wages and other allowances, representing the top percentage, i.e. 69.4% of the total demands. Out of the 52 cases, 24 were for wage increases and 12 for wage payments.

Demands in respect of management and personnel affairs were 13 in number while those against rationalization were 18 i.e. 24% including demands for retirement allowances in connection with rationalization.

However, although this 24 percent was low as compared with 41.7 percent for the preceding month, the figure was still higher than the average.