Chapter I General Provisions

(Purpose of this Law)

Article 1. The purpose of this Law is to make for the development of transportation and increase the public welfare by providing for matters concerning the designation and recognition of routes, administration, structure, conservation, share of expenses, etc. concerning the roads in order to improve the network of roads.

(Definition of Technical Terms)

Article 2. "Road" as used in this Law shall mean a road which is to be used for general transportation and is one of those enumerated in the items of Article 4, including the structures which are incorporated with the road in their use to make it fully effective such as tunnels, bridges, ferry facilities, elevators for roads, etc. and accessories to the road which are erected as attachments to the road concerned.

2 "Accessories to a road" as used in this Law shall mean facilities or structures necessary for the administration of the road such as the conservation of the structure of the road, the security of safe and smooth traffic on roads, etc. which are mentioned in any one of the following items:

(1) Fences or railings on roads;

(2) Rows of trees or lamps on roads which are erected by the road administrator provided for in Article 18 paragraph 1;

(3) Road signs, starting point of mile-posts or mile-posts;

(4) Yards adjoining to roads for materials for repairing roads;

(5) Parking lots adjoining to roads which are erected by the road administrator provided for in Article 18 paragraph 1;

(6) In addition to those enumerated in the above items, those provided for by cabinet order.

(Restriction on Private Rights)

Article 3. With regard to the site, sustaining walls and other articles constituting a road, private rights shall not be exercised. However, the transfer of ownership and creation or transfer of hypothec shall not be precluded.

Chapter II Kinds of Roads and Designation and Recognition of Routes

(Kinds of Roads)

Article 4. The kinds of roads shall be those mentioned in the following:

(1) First class national road;

(2) Second class national road;

(3) To, Do, Fu or prefectural road;

(4) City, town or village road.

(Meaning of First Class National Road and Designation of Route thereof)

Article 5. The first class national roads referred to in item (1) of the preceding Article shall be roads of which the routes have been designated by cabinet order of those which, running through the land longitudinally, transversely or circulatingly, constitute important parts of the country-wide trunk line network and connect the seats of prefectural governments (in Hokkaido, the seats of local branch offices; hereinafter the same) and other cities which are important politically, economically or culturally.

2 In the cabinet order under the provision of the preceding paragraph, the name of the route, starting point, terminal, principal places on the route and other necessary matters concerning the route shall be stated.

(Meaning of Second Class National Road and Route thereof)

Article 6. The second class national roads referred to in Article 4 item (2) shall be roads of which the routes have been designated by cabinet order of those which, coming under one of the following items, constitute the country-wide trunk line network with first class national roads:

(1) Roads interconnecting the sites of prefectural governments and cities having a population of over 100,000 (hereinafter collectively referred to as the "major cities");

(2) Roads connecting major cities with first class national roads;

(3) Roads connecting any of the specific major ports provided for in Article 42 paragraph 2 of the Port and Harbor Law (Law No. 218 of 1950), the ports provided for in paragraph 5 of the proviso to the same Law, the important airfields or important places for international sightseeing with first class national roads designated by the Minister of Construction;

(4) Roads connecting two or more cities and leading to first class national roads.

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

(Meaning of To, Do, Fu or Prefectural Road and Recognition Thereof)

Article 7. The To, Do, Fu or prefectural roads referred to in Article 4 item (3) shall be roads of which the governor of To, Do, Fu or prefecture has, concerning the parts within the area of the To, Do, Fu or prefecture, recognized the routes thereof of those which constitute the local trunk line network and fall under one of the following items:

(1) Roads connecting the cities or towns having a population of over 5,000 (hereinafter referred to as "principal places") with other principal places which are closely related therewith, with important ports or local ports provided for in Article 2 paragraph 2 of the Port and Harbor Law, with type 2 fishing ports or type 3 fishing ports provided for in Article 6 of the Fishing Port Law (Law No. 137 of 1950), or airfields (hereinafter collectively referred to as "principal ports"), with major stations or stops of the Japanese National Railways, local railways or tramways (hereinafter collectively referred to as "principal stations" or with principal sightseeing places;

(2) Roads connecting principal ports with principal stations or principal sightseeing places closely related therewith;

(3) Roads connecting principal stations with principal sightseeing places closely related therewith;

(4) Trunk roads passing through two or more cities, towns or villages and connecting these cities, towns or villages with principal places, principal ports or principal stations closely related with the district along such roads;

(5) Roads connecting principal places, principal ports, principal stations or principal sightseeing places with such first class national roads or second class national roads or with such To, Do, Fu or prefectural roads provided for in any one of the above items as are closely related therewith;

(6) In addition to those enumerated in the above items, roads specially necessary for developing important resources.

2 When the governor of To, Do, Fu or prefecture intends to make recognition of a route in accordance with the provision of the preceding paragraph, he shall in advance obtain the approval of the assembly of the To, Do, Fu or prefecture concerned.

3 In case the route of which the governor of To, Do, Fu or prefecture intends to make recognition in accordance with the provision of paragraph 1 is within the area of a city provided for in Article 55 paragraph 2 of the Local Autonomy Law (Law No. 67 of 1947) (hereinafter referred to as a "designated city"), the governor of To, Do, Fu or prefecture shall hear the opinion of the mayor of the designated city concerned. In this case, when the mayor of the designated city concerned intends to submit his opinion, he shall obtain the decision of the assembly of the designated city concerned.

4 With respect to a road extending over two or more To, Do, Fu or prefectures, the governors of the To, Do, Fu or prefectures concerned shall, upon their mutual agreement, make recognition of the parts within the area of the respective To, Do, Fu or prefecture concerned, obtaining the decision of the To, Do, Fu or prefectural assembly.

5 In case an agreement under the provision of the preceding paragraph fails to be reached, the governors of the To, Do, Fu or prefectures concerned may apply to the Minister of Construction for arbitration.

6 When the Minister of Construction intends to make arbitration an application made under the provision of the preceding paragraph, he shall ask the opinions of the governors of the To, Do, Fu or prefectures interested. In this case, when the governors of the To, Do, Fu or prefectures interested intend to submit their opinions, they shall obtain the approval of the assembly of the respective To, Do, Fu or prefectures concerned.

7 When the Minister of Construction has made arbitration in accordance with the provision of paragraph 5 to the effect that the recognition of the route shall be made, the governors of the To, Do, Fu or prefectures concerned shall recognize the respective parts of the route which are within the area of the respective To, Do, Du or prefectures concerned. In this case they need not obtain the approval under the provision of ~~the said~~ paragraph 5 of the assemblies of the To, Do, Fu or prefectures concerned.

2 When the governor of To, Do, Fu or prefecture intends to make recognition of a route in accordance with the provision of the preceding paragraph, he shall in advance obtain the approval of the assembly of the To, Do, Fu or prefecture concerned.

3 In case the route of which the governor of To, Do, Fu or prefecture intends to make recognition in accordance with the provision of paragraph 1 is within the area of a city provided for in Article 55 paragraph 2 of the Local Autonomy Law (Law No. 67 of 1947) (hereinafter referred to as a "designated city"), the governor of To, Do, Fu or prefecture shall hear the opinion of the mayor of the designated city concerned. In this case, when the mayor of the designated city concerned intends to submit his opinion, he shall obtain the decision of the assembly of the designated city concerned.

4 With respect to a road extending over two or more To, Do, Fu or prefectures, the governors of the To, Do, Fu or prefectures concerned shall, upon their mutual agreement, make recognition of the parts within the area of the respective To, Do, Fu or prefecture concerned, obtaining the decision of the To, Do, Fu or prefectural assembly.

5 In case an agreement under the provision of the preceding paragraph fails to be reached, the governors of the To, Do, Fu or prefectures concerned may apply to the Minister of Construction for arbitration.

6 When the Minister of Construction intends to make arbitration an application made under the provision of the preceding paragraph, he shall ask the opinions of the governors of the To, Do, Fu or prefectures interested. In this case, when the governors of the To, Do, Fu or prefectures interested intend to submit their opinions, they shall obtain the approval of the assembly of the respective To, Do, Fu or prefectures concerned.

7 When the Minister of Construction has made arbitration in accordance with the provision of paragraph 5 to the effect that the recognition of the route shall be made, the governors of the To, Do, Fu or prefectures concerned shall recognize the respective parts of the route which are within the area of the respective To, Do, Du or prefectures concerned. In this case they need not obtain the approval under the provision of ~~the said~~ paragraph 5 of the assemblies of the To, Do, Fu or prefectures concerned.

(Meaning of City, Town or Village Road and Recognition thereof)

Article 8. The city, town or village roads referred to in Article 4 paragraph 4 shall be the roads within the area of a city, town or village of which the routes have been recognized by the head of the city, town or village concerned.

2 When the head of a city, town or village intends to recognize a route in accordance with the provision of the preceding paragraph, he shall in advance obtain the approval of the assembly of the city, town or village concerned.

3 In case the head of a city, town or village deems it specially necessary, he may make recognition of the route of a city, town or village road beyond the area of the city, town or village concerned. In this case, the head of such city, town or village shall obtain the approval of the cities, towns or villages concerned.

4 In the case of the latter part of the preceding paragraph, the heads of the cities, towns or villages concerned shall not give their consent without the approval of the assemblies of the respective cities, towns or villages concerned.

5 In case the approval referred to in the preceding paragraph has been given, it shall be regarded, with respect to the application of the provision of Article 210 paragraph 1 of the Local Autonomy Law, that the agreement provided for in the same paragraph has been reached.

(Publication of Recognition of Route)

Article 9. When the governor of a To, Do, Fu or prefecture or the head of a city, town or village has recognized a route in accordance with the provision of Article 7 or the preceding Article, he shall, as may be provided for by cabinet order, publish the name of the route, its starting-point, terminal, principal places in the passage thereof and other necessary items.

(Abolition or Alteration of Route)

Article 10. In case the governor of a To, Do, Fu or prefecture or the head of a city, town or village deems that a road of which he has recognized the route has become unnecessary for general traffic use, he may abolish the whole or a part of the route concerned. The same shall apply to cases where the routes overlap.

2 In case the governor of a To, Do, Fu or prefecture, or the head of a city, town or village intends to abolish the whole or a part of a route and recognize another route instead, he may make alteration of the route in lieu of taking such procedures.

3 The procedures for abolishing or altering a route in accordance with the provisions of the preceding two paragraphs shall be taken following the example of the procedures for recognition of the route.

(Disposition to be Made in case Routes Overlap)

Article 11. In case a first class national road and a second class national road, To, Do, Fu or prefectural road or city, town or village road overlap with each other, the provisions for the first class national road shall apply to the part where they overlap.

2 In case a second class national road and a To, Do, Fu or prefectural road or city, town or village road overlap with each other, the provisions for the second class national road shall apply to the part where they overlap.

3 In case a To, Do, Fu or prefectural road and a city, town or village road overlap, the provisions for the To, Do, Fu or prefectural road shall apply to the part where they overlap.

4 A person who intends to recognize, designate or alter a route to make it overlap with the route of another road or a person who intends to abolish or alter the route of a road which overlaps with the route of another road shall in advance report to that effect to the person who is the then recognizer of the other road.

Chapter III Administration of Road

Section 1. Road Administrator

(Construction or Reconstruction of First Class National Road)

Article 12. The construction or reconstruction of a first class national road shall be executed by the Minister of Construction himself when, he deems that the execution of the works by the governor of the To, Do, Fu or prefecture where the route of the first class national road is located is difficult or improper such as where the works require advanced technique, where the execution necessitates use of high power machinery, where they are related with the boundary of the areas of To, Do, Fu or prefectures, where the scale of the works is extremely large, etc., and, in other cases, by the governor of To, Do, Fu or prefecture for the part the route of which is located in the area of the To, Do, Fu or prefecture concerned.

(Construction or Reconstruction of Second Class National Road)

Article 13. The construction or reconstruction of a second class national road shall be executed by the governor of To, Do, Fu or prefecture for the part the route of which is located in the area of the To, Do, Fu or prefecture concerned.

2 In case the works require advanced technique, in case he seems it is proper to carry them out by use of high-power machinery, or in case they are related with the boundary of the areas of To, Do, Fu and prefectures, the Minister of Construction may execute himself the construction or reconstruction of the second class national road in place of the governor of To, Do, Fu or prefecture. In this case the Minister of Construction shall in advance inform the governor of the To, Do, Fu or prefecture concerned to that effect.

3 In case the works concerning the construction or reconstruction of a second class national road which the governor of To, Do, Fu or prefecture intends to execute in accordance with the provision of paragraph 1 are related with the boundary of the areas of To, Do, Fu or prefectures, the governors of the To, Do, Fu or prefecture interested shall in advance make negotiations the design and execution plan of the construction or reconstruction works.

4 The provisions of Article 7 paragraph 5 and the first part of paragraph 6 shall apply mutatis mutandis to the case where no agreement is reached in the negotiations under the provision of the preceding paragraph.

5 When the Minister of Construction has made arbitration in accordance with the provisions of Article 7 paragraph 5 and the first part of paragraph 6 as applied mutatis mutandis in the preceding paragraph, the agreement in the negotiations under the provision of paragraph 3 shall be deemed to have been reached.

(Maintenance, Repair and Other Administration of First Class and Second Class National Roads)

Article 14. Unless provided for in the preceding two Articles, the maintenance, repairs, disaster rehabilitation works under the provision of Article 2 of the Law concerning National Treasury Share of Expenses for Rehabilitation Works of Public Civil Engineering Facilities Damaged by Disasters (Law No. 97 of 1951) (hereinafter ~~in this Article~~ referred to as "disaster rehabilitation") and other administration of a first class or second class national road shall be executed by the governor of the To, Do, Fu or prefecture for the part the route of which is located in the area of the To, Do, Fu or prefecture concerned.

2 The provision of paragraph 2 of the preceding Article shall apply mutatis mutandis to the works concerning disaster rehabilitation of a first class national road or a second class national road. In this case, "the construction or reconstruction of a second class national road" in the same paragraph shall read "works concerning disaster rehabilitation of a first class national road or a second class national

road."

3 The provision of paragraph 3 of the preceding Article shall apply mutatis mutandis to the works concerning repair or disaster rehabilitation of a first class national road or a second class national road which the governor of To, Do, Fu or prefecture intends to execute. In this case, "the construction or reconstruction works" in the same paragraph shall read "the works concerning repair or disaster rehabilitation."

4 The provisions of Article 7 paragraph 5 and the first part of paragraph 6 shall apply mutatis mutandis to the case where no agreement is reached in the negotiations under the provision of paragraph 3 of the preceding Article applied mutatis mutandis in the preceding paragraph.

5 When the Minister of Construction has made arbitration in accordance with the provisions of Article 7 paragraph 5 and the first part of paragraph 6 applied mutatis mutandis in the preceding paragraph, the agreement in the negotiations under the provision of paragraph 3 of the preceding Article applied mutatis mutandis in paragraph 3 shall be deemed to have been reached.

(Administration of To, Do, Fu or Prefectural Road)

Article 15. The administration of a To, Do, Fu or prefectural road shall be executed by the To, Do, Fu or prefecture where the route is located.

(Administration of City, Town or Village Road)

Article 16. The administration of a city, town or village road shall be executed by the city, town or village where the route is located.

2 In case the head of a city, town or village has recognized the route of a road extending beyond the area of the city, town or village in accordance with the provision of Article 8 paragraph 3, the administration of the road shall be executed by the city, town or village under the control and jurisdiction of the head of the city, town or village who recognized the route concerned. However, in case the route concerned overlaps with the route of another city, town or village road, the method of managing the overlapping part of the road shall be fixed by negotiations between the heads of the cities, towns or villages interested following the resolution of the respective assemblies.

3 The provisions of Article 7 paragraphs 5 and 6 shall apply mutatis mutandis to the case where no agreement has been reached in the negotiations under the proviso to the preceding paragraph. In this case, in these provisions, "the governors of the To, Do, Fu or prefectures interested shall read "the heads of the cities,

towns or villages interested," "the Minister of Construction" "the governor of To, Do, Fu or prefecture" and "the assembly of the respective To, Do, Fu or prefectures concerned" in paragraph 6 of the same Article "the assembly of the respective cities, towns or villages concerned."

4 In case the governor of To, Do, Fu or prefecture has made arbitration in accordance with the provisions of Article 7 paragraphs 5 and 6 applied mutatis mutandis in the preceding paragraph, the agreement between the heads of the cities, towns or villages interested shall be deemed to have been reached, in the mutatis mutandis application of the proviso to paragraph 2.

5 In case an agreement has been reached between the heads of the cities, towns or villages interested in the negotiations under the provision of the proviso to paragraph 2, (including the case where the agreement between the heads of the cities, towns or villages interested is deemed to have been reached in accordance with the provision of the preceding paragraph), the heads of the cities, towns or villages interested shall publish the substance of the agreement reached.

(Exceptional Administration)

Article 17. The administration of a first class national road and second class national road located in the area of a designated city (except that concerning the construction, reconstruction or disaster rehabilitation works of a first class national road or a second class national road that are executed by the Minister of Construction) shall be executed by the head of the designated city concerned, notwithstanding the provisions of Article 12, Article 13 paragraph 1 and Article 14 paragraph 1. The administration of a To, Do, Fu or prefectural road located in the area of a designated city shall be executed by the designated city concerned, notwithstanding the provision of Article 15.

2 The head of a city other than a designated city may, when he makes an agreement with the governor of To, Do, Fu or prefecture, execute the administration of a second class national road located in the area of the city concerned (except that concerning the construction, reconstruction or disaster rehabilitation works of a second class national road that are executed by the Minister of Construction, notwithstanding the provisions of Article 13 paragraph 1 and Article 14 paragraph 1. The city concerned may, when it makes an agreement with the To, Do, Fu or prefecture, execute the administration of a To, Do, Fu or prefectural road located in the area of the city concerned notwithstanding the provision of Article 15.

3 Necessary technical changes in reading for the application of the provisions of this Law in the cases of the preceding two paragraphs shall be provided for by cabinet order.

(Decision of Area for Road, Commencement of Service, etc.)

Article 18. A person who administers a road in accordance with the provisions of Article 12 to the preceding Article inclusive (in case of a first class national road or second class national road the governor of To, Do, Fu or prefecture; hereinafter referred to as a "road administrator") shall, when the route has been designated or when the recognition or alteration of the route has been published, without delay decide the area of the road and shall publish it as may be provided for by Ministry of Construction Ordinance. The same shall apply to the case where the area of the road has been altered.

2 In case the road administrator intends to commence or discontinue the service of the road, he shall make publication to that effect as may be prescribed by Ministry of Construction Ordinance and also furnish drawings showing it for public inspection at the office of the To, Do, Fu or prefecture or city, town or village. However, in case a route has been designated, recognized or changed overlapping with an existing road no publication of the commencement of service shall be needed for the overlapping part of the road of which the service being deemed to have already been commenced.

(Administration of Road in Boundary Area)

Article 19. With regard to a road related with the boundary of the area of a local public body, the road administrators interested may separately fix the method of administration upon negotiations, notwithstanding the provisions of Articles 14 to 17 inclusive.

2 In case an agreement fails to be reached in negotiations under the provision of the preceding paragraph, the road administrators interested may apply for arbitration to the Minister of Construction if the road concerned is related with the boundary of the area of a To, Do, Fu or prefecture or if either of the road administrators is the governor of To, Do, Fu or prefecture or is a To, Do, Fu or prefecture, and to the governor of To, Do, Fu or prefecture in other cases.

3 The provision of Article 7 paragraph 6 shall apply mutatis mutandis to the case of the preceding paragraph. In this case, in Article 7 paragraph 6, "the Minister

of Construction" shall read "the Minister of Construction or the governor of To, Do, Fu or prefecture," "the governors of the To, Do, Fu or prefectures interested" "the road administrators interested" and "shall obtain the approval of the assembly of the respective To, Do, Fu or prefectures concerned" "shall, when they are governors of To, Do, Fu or prefectures, consult the assembly of the respective To, Do, Fu or prefectures under their control and jurisdiction, and when they are road administrators other than these, obtain the approval of the assembly of the respective local public bodies which are the road administrators."

4 In case the Minister of Construction or the governor of To, Do, Fu or prefecture has made arbitration in accordance with the provision of paragraph 2 and the provision of Article 7 paragraph 6 applied mutatis mutandis in the preceding paragraph, the agreement of the road administrators interested shall be deemed to have been reached, in the application of the provision of paragraph 1.

5 When an agreement in the negotiations under the provision of paragraph 1 has been reached (including the case where the agreement of the road administrators interested is deemed to have been reached under the provision of the preceding paragraph), the road administrators interested shall publish the substance of the agreement reached.

(Administration of Structure in Concurrent Use)

Article 20. In case a road and a bank, revetment, dam, bridge for a railway or tramway, crossing (means the part where a road intersects with a railway of the Japanese National Railways or a local railway or any one of the newly constructed tramways under the Tramway Law (Law No. 76 of 1921), square in front of a station or other structure or equipment for public use (hereinafter collectively referred to as "other structure") have a concurrent use mutually, the administrator of the road concerned and the administrator of the other structure may upon negotiations, separately fix the method of administration thereof, notwithstanding the provision of Articles 14 to 17 inclusive. As regards the road, however, in case the administrator of the other structure is a private person, he shall not be made to execute the administration excepting the road works (means works of road construction, reconstruction or repairs; hereinafter the same) and the maintenance thereof.

2 In case an agreement in the negotiations under the provision of the preceding paragraph fails to be reached, the road administrator of the road concerned or the administrator of the other structure may apply for arbitration to the Minister

of Construction and the Minister competent for the other structure concerned in case either of the administrators is the State or the governor of To, Do, Fu or prefecture or a To, Do, Fu or prefecture, and to the governor of To, Do, Fu or prefecture in other cases (in case there is a local branch office chief who takes charge of a part of the business of the competent Minister with regard to the other structure, to the governor of To, Do, Fu or prefecture and the chief of the local branch office; the same hereinafter in this Article and Article 55 paragraphs 4 and 5).

3 The provision of Article 7 paragraph 6 shall apply mutatis mutandis to the case of the preceding paragraph. In this case, in ~~the same paragraph~~ Article 7. par. 6, "the Minister of Construction" shall read "the Minister of Construction and the Minister competent for the other structure or the governor of To, Do, Fu or prefecture," "the opinions of the governors of the To, Do, Fu or prefectures interested" "the opinion of the road administrator of the road concerned or the administrator of the other structure" and "when the governors of the To, Do, Fu or prefectures interested intend to submit their opinions, they shall obtain the approval of the assembly of the respective To, Do, Fu or prefectures concerned" "when the road administrator of the road concerned intends to submit his opinion, he shall, when he is the governor of To, Do, Fu or prefecture, consult the assembly of the To, Do, Fu or prefecture under his control and jurisdiction, and when he is a road administrator other than this, obtain the approval of the assembly of the local public body which is the road administrator."

4 When the Minister of Construction and the Minister competent for the other structure concerned or the governor of To, Do, Fu or prefecture has made arbitration in accordance with the provision of paragraph 2 and the provision of Article 7 paragraph 6 applied mutatis mutandis in the preceding paragraph, the agreement shall be deemed to have been reached between the road administrator and the administrator of the other structure, in the application of the provision of paragraph 1.

5 In case an agreement under the provision of paragraph 1 has been reached (including the case where the agreement is deemed to have been reached between the road administrator and the administrator of the other structure in accordance with the provision of the preceding paragraph), the road administrator of the road

concerned shall publish the substance of the agreement reached.

(Work Execution Order etc. to Administrator of Other Structure)

Article 21. In cases where a road and other structure have a concurrent use mutually, if the road administrator deems it proper to make the administrator of the other structure execute the road works of the road concerned or maintain it, he may, except when an agreement has been reached in accordance with the provisions of the preceding Article and Article 31, cause the administrator of the other structure to execute the road works concerned or to maintain the road concerned.

2 In the case of the preceding paragraph, if the other structure is an accessory of a river as provided for in Article 4 paragraph 2 of the River Law (Law No. 71 of 1896), the provision of Article 10 paragraph 1 of the same Law shall, and the provision of paragraph 2 of the same Article shall not, apply as regards the works execution or maintenance of the structure concerned.

(Work Execution Order to Person Who Necessitated Works)

Article 22. In case a person has necessitated road works by works other than road works (hereinafter referred to as "other works") or when he has committed an act of damaging the road or an act which has necessitated reinforcing the road or changing the existing width or other structure of the road (hereinafter referred to as an "other act"), the road administrator may cause the executor of such works or the person who committed such act to execute the necessitated road works.

2 In the case of the preceding paragraph, if the other works are a river work to which the River Law applies or applies mutatis mutandis (hereinafter referred to as a "river work"), the provision of Article 11 paragraph 2 of the same Law shall not apply as regards the road works concerned.

(Execution of Accessory Works)

Article 23. The road administrator may execute, along with the road works, such other works as have been necessitated by the road works or such other works as have been necessitated for executing the road works.

2 In the case of the preceding paragraph, if the other works are a river work or sand prevention work, the provisions of Article 11 paragraph 1 of the River Law and Article 8 of the Sand Prevention Law (Law No. 29 of 1897) shall not apply as regards the execution of the other works concerned.

(Works to be Executed by Person Other than Road Administrator)

Article 24. A person other than the road administrator may, unless provided for in Article 12, Article 13 paragraph 2 (including its mutatis mutandis application in Article 14 paragraph 2) or paragraph 3 (including its mutatis mutandis application in Article 14 paragraph 3) or Articles 19 to 22 inclusive, execute the road works or maintain the road when he obtains the approval of the road administrator with regard to the design and execution plan of the road works. However, as regards such minor maintenance of the road as provided for by cabinet order, it shall be unnecesaary to obtain the approval of the road administrator.

(Toll Bridge or Toll Ferry Facilities)

Article 25. In order to refund the whole or a part of the expenses needed for the construction or reconstruction of a bridge or ferry facilities, of a To, Do, Fu or prefectural road or a city, town or village road, the road administrator who is a To, Do, Fu or prefecture or a city, town or village may, when he obtains the permission of the Minister of Construction, collect a toll during a fixed period from the passers of the bridge concerned or the users of the ferry facilities within the limit of the benefit to the passers and the users thereof, as may be provided for by by-law.

2 The bridge or ferry facilities provided for in the preceding paragraph shall fall under the folhowing items:

(1) The range of the passage or the use be limited to the locality;

(2) The passers or the users thereof obtain considerable benefit from the passage or the use;

(3) It be extremely difficult to defray the whole expenses needed for the construction or reconstruction out of any financial source other than the local bond.

3 The road administrator who intends to obtain the permission under the provision of paragraph 1 shall submit to the Minister of Construction a written application stating therein the following items, attaching thereto plans and other necessary drawings:

(1) Method of works;

(2) Estimated construction cost;

(3) Expected dates of starting and completing the works;

(4) Estimated particulars of income and outlay;

(5) Toll rate;

(6) Period of collection;

(7) Annual plans for refunding the sum with interest.

4 When the Minister of Construction receives an application under the provision of the preceding paragraph, he may give the permission referred to in paragraph 1 only when he deems that the construction or reconstruction of the bridge or ferry facilities for which the application was made falls under the items of paragraph 2 and that the matters stated in the items of the preceding paragraph in the application are reasonable.

5 In case a road administrator intends to alter a matter mentioned in item (1) or items (5) to (7) inclusive of paragraph 3, he must obtain the permission of the Minister of Construction.

6 In case a road administrator intends to alter a matter mentioned in paragraph 3 items (2) to (4) inclusive only, it shall be enough for him to make a report to the Minister of Construction.

(Obligation of Road Administrator Who Obtained Permission)

Article 26. The road administrator who has obtained the permission under the provision of paragraph 1 of the preceding Article shall undergo an inspection by the Minister of Construction in case the road administrator is a To, Do, Fu or prefecture, and by the governor of To, Do, Fu or prefecture in case the road administrator is a city, town or village, during the course of construction as may be provided for by Ministry of Construction Ordinance. The same shall apply when the work has been completed.

2 In case the Minister of Construction or the governor of To, Do, Fu or prefecture, after making the inspection under the provision of the preceding paragraph, deems that the structure of the bridge or ferry facilities concerned does not conform to the technical standards provided for by cabinet order under the provision of Article 30 paragraph 1 or 2, he may order the person who has obtained the permission to alter the method of construction or to take other necessary steps.

3 The road administrator who has obtained the permission shall not furnish the bridge or ferry facilities concerned for use until the work has passed the inspection as provided for in the latter part of paragraph 1.

(Exercise in Proxy of Powers of Road Administrator)

Article 27. When the Minister of Construction constructs or reconstructs a first class national road in accordance with the provision of Article 12, when he constructs or reconstructs a second class national road in accordance with the provision of Article 13 paragraph 2, or when he executes a disaster rehabilitation work of a first

class national road or a second class national road in accordance with the provision of Article 13 paragraph 2 applied mutatis mutandis in Article 14 paragraph 2, the Minister of Construction shall exercise the powers of the road administrator in the latter's place as may be provided for by cabinet order.

2 When a road administrator administers a road beyond the area of the local public body based on the agreement as provided for in Article 19 or when the administrator of the other structure administers a road based on the agreement as provided for in Article 20, they shall exercise the powers of the road administrator of the road concerned in the latter's place as may be provided for by cabinet order.

(Road Register)

Article 28. The road administrator shall prepare and keep a register of the roads which he administers (hereinafter in this Article referred to as a "road register").

2 The items to be stated in the road register and other necessary matters concerning the preparation and custody thereof shall be provided for by Ministry of Construction Ordinance.

3 The road administrator cannot refuse the inspection of the road register when it is requested.

Section 2. Structure of Road

(Principle of Structure of Road)

Article 29. A road shall be of such structure as is safe against ordinary shocks a impacts and may secure smooth traffic, decided by taking into consideration the topography, soil, weather and other conditions of the area where the road concerned is located.

(Standard of Structure of Road)

Article 30. The technical standards of the structure of roads shall be provided for by cabinet order concerning the following items, for each kind of road:

(1) Width;

(2) Construction gauge;

(3) Alignment;

(4) Sight distance;

(5) Gradient;

(6) Road surface;

(7) Drainage facilities;

(8) Crossing or connection;

(9) Refuge place;

(10) In addition to those enumerated in the preceding items, necessary matters

concerning the structure of the road.

2 As regards the major structures provided for by cabinet order such as bridges and others, necessary technical standards concerning their structure and strength may be provided for by cabinet order in addition to those under the provision of the preceding paragraph.

3 In construction or reconstruction of a structure provided for in the provision of the preceding paragraph, the structural safety thereof shall be confirmed by necessary structural calculation or test.

4 Necessary technical standards concerning the structure of accessories of roads may be provided for by cabinet order.

(Crossing between Road and Railway)

Article 31. In case a road and a railway of the Japanese National Railways or a local railway cross with each other, the Minister of Construction, if the road concerned is a first class national road or a second class national road and the Minister of Construction executes himself the construction or reconstruction, and, in other cases, the road administrator of the road concerned shall in advance negotiate with the Japanese National Railways or the proprietor of the local railway concerned with regard to the system of the crossing concerned, its structure, the method of works execution and the sharing of the expenses. However, the system of such crossing shall be of grade separation except in case the amount of traffic of the road concerned or the passage frequency of the railway concerned is small, in case it is necessary from topography and in other cases as may be provided for by cabinet order.

2 In case no agreement is reached in the negotiations under the provision of the preceding paragraph, the road administrator of the road concerned, the Japanese National Railways or the proprietor of the local railway may apply to the Minister of Construction and the Minister of Transportation for their arbitration. However, when no agreement is reached in the negotiations between the Minister of Construction and the Japanese National Railways or the proprietor of a local railway, the Minister of Construction shall again negotiate with the Minister of Transportation.

3 The provision of Article 7 paragraph 6 shall apply mutatis mutandis to the case of the main text of the preceding paragraph. In this case, in Article 7 paragraph 6, "the Minister of Construction" shall read "the Minister of Construction and

the Minister of Transportation," "the opinions of the governors of the To, Do, Fu or prefectures interested" "the opinion of the road administrator of the road concerned, or of the Japanese National Railways or the proprietor of the local railway concerned" and "when the governors of the To, Do, Fu or prefectures interested intend to submit their opinions, they shall obtain the approval of the assembly of the respective To, Do, Fu or prefectures concerned" "when the road administrator of the road concerned intends to submit his opinion, he shall, when he is the governor of To, Do, Fu or prefecture, consult the assembly of the To, Do, Fu or prefecture under his control and jurisdiction, and when he is a road administrator other than this, obtain the approval of the assembly of the local public body which is the road administrator concerned."

4 When the Minister of Construction and the Minister of Transportation have made arbitration in accordance with the provision of the main text of paragraph 2 or when an agreement has been reached between the Minister of Construction and the Minister of Transportation in accordance with the provision of the proviso to the same paragraph, it shall be deemed, in the application of the provision of paragraph 1, that an agreement has been reached between the Minister of Construction or the road administrator of the road concerned and the Japanese National Railways or the proprietor of the local railway concerned.

Section 3. Occupancy of Road

(Permission for Occupancy of Road)

Article 32. In case it is intended to build or lay on or under a road a structure, article or equipment mentioned in any one of the following items and thereby to use the road continuously, the approval of the road administrator must be obtained:

(1) Electric poles, electric wires, transformer boxes, post pillars, public telephone boxes, advertisement towers or similar structures;

(2) Water pipes, drainage pipes, gas pipes or similar articles;

(3) Railway, tramway or similar facilities;

(4) Platform, snow-shed or similar facilities;

(5) Underground street, underground room, passage or similar facilities;

(6) Street-stalls, depositories or similar facilities;

(7) In addition to those mentioned in the preceding items, structure, article or equipment provided for by cabinet order which may throw hindrances to the structure of the road or traffic.

2 A person who intends to obtain the permission referred to in the preceding paragraph shall submit to the road administrator a written application in which the

matters enumerated in the following items are stated:

(1) Purpose of the occupancy of road (means to build or lay on or under the road a structure, article or equipment mentioned in one of the items of the preceding paragraph and thereby to continuously use the road, hereinafter the same);

(2) Period of the occupancy of road;

(3) Part of the road to be occupied;

(4) Construction of the structure, article or facility;

(5) Method of executing the works;

(6) Period of works;

(7) Method of rehabilitating the road.

3 In case the person who has obtained the permission under the provision of paragraph 1 (hereinafter referred to as the "road occupier") intends to alter any of the matters mentioned in the items of the preceding paragraph, he shall in advance obtain the permission of the road administrator except in case the alteration is so small as deemed to throw no hindrance to the construction of the road or traffic and so it is provided as such by cabinet order.

(Standard for Permitting Occupancy of Road)

Article 33. The road administrator may give the permission referred to in paragraph 1 or 3 of the preceding Article only in cases where the occupancy of the road falls under one of the items of paragraph 1 of the same Article and there is no alternative because no space is to be found other than the site of the road and at the same time it conforms to the standards provided for by cabinet order concerning the matters enumerated in paragraph 2 items (2) to (7) of the same Article.

(Conditions for Adjustment of Works)

Article 34. In cases where the road administrator intends to give a permission under the provision of Article 32 paragraph 1 or 2, if he deems it necessary in order not to damage the road uneconomically or not to cause serious hindrances to traffic on the road, he may attach necessary conditions to the permission concerned for mutual adjustment between the works related with the application concerned for occupancy of the road and (A) the works related with another application for occupancy of the road or (B) the occupancy of the road or road works by another road occupier. In this case, the road administrator shall in advance hear the opinion of the person who intends to execute the works related with the occupancy of the road for which the application concerned has been submitted or the other road occupier.

(Exception to Road Occupancy to be Made by State etc.)

Article 35. As regards the occupancy of a road for a business done by the State such as post, telecommunication and others or for a business done by the Japanese National Railways or the Japan Monopoly Corporation, it shall be enough for the person who does the business to negotiate with the road administrator, notwithstanding the provisions of Article 32 paragraphs 1 and 3. In this case, the standards concerning the matters mentioned in the items of paragraph 2 of the same Article and concerning the matters pertaining to the fee for occupancy provided for in Article 39 may be established by cabinet order.

(Exception to Road Occupancy for Water, Electric, Gas and Other Works)

Article 36. A person who intends to install or establish water pipes, drainage pipes, a local railway for public use, gas pipes, electric poles or electric wires on or under a road in accordance with the provisions of the Water Supply Regulations (Law No. 9 of 1890), the Drainage Law (Law No. 32 of 1900), the Local Railway Law (Law No. 52 of 1919) or the Public Utilities Order (Cabinet Order No. 343 of 1950), shall, when he intends to obtain the permission under the provision of Article 32 paragraph 1 or 3, submit to the road administrator a written plan of the works not later than a month before the day when the work is to be executed. However, this shall not apply to cases where it has become necessary to execute urgent works such as damage rehabilitation works and others or to execute such minor works as provided for by cabinet order.

2 When the road administrator receives an application for permission of the occupancy of a road for works, on the basis of a written plan referred to in the preceding paragraph (including works under the provision of the proviso to the preceding paragraph), if the occupancy of the road for which the application has been made conforms to the standards provided for by cabinet order under the provision of Article 33, he shall grant the permission under the provision of Article 32 paragraph 1 or 3.

(Prohibition of Road Occupancy, Areal Restriction thereof, etc.)

Article 37. In case the road administrator deems it specially necessary for the efficient traffic of vehicles on a road with extremely heavy traffic or on a road with an extremely narrow width, he may, notwithstanding the provision of Articles 33 and 35 and paragraph 2 of the preceding Article, prohibit or restrict the occupancy of the road for the area which he designates.

2 When the road administrator intends to designate an area of a road for the prohibition or restriction of occupancy thereof, he shall in advance negotiate with the chief of police having jurisdiction over the area concerned pertaining to the reason and the area for which he intends to prohibit or restrict the occupancy of the road concerned. The same shall be followed in cases he intends to release the designation of the area where the occupancy of the road has been prohibited or restricted.

3 When the road administrator intends to prohibit or restrict the occupancy of a road in accordance with the provisions of the preceding two paragraphs, he shall in advance make public notice to that effect.

(Execution by Road Administrator of Works relative to Occupancy of Road)

Article 38. In case the road administrator deems it necessary for the conservation of the construction of the road or is entrusted by the road occupier, he may execute himself such works relative to the occupancy of the road as are connected with the construction of the road.

2 In the case of the preceding paragraph, if the road administrator intends to execute himself the works because he deems it necessary for the conservation of the construction of the road, the road administrator shall in advance notify the road occupier of his intention that he will execute himself the works concerned and the time when the works will be executed.

(Collection of Occupancy Fee)

Article 39. The road administrator (in the case of a first class national road or a second class national road, the To, Do, Fu or prefecture under the control and jurisdiction of the governor of To, Do, Fu or prefecture who is the road administrator; hereinafter the same in this Article) may collect a fee for the occupancy of the road. However, this shall not apply in cases the occupancy of the road is related with a business executed by the State other than such as is provided for by cabinet order and with a business executed by local public bodies other than such as is related with the public enterprises provided for in Article 6 paragraph 1 of the Local Finance Law (Law No. 109 of 1948).

2 The amount of the fees under the provision of the preceding paragraph and the method of collection thereof shall be provided for by by-law of the local public body which is the road administrator. However, those related with a business provided for in Article 35 and with a country-wide business provided for by cabinet order shall not exceed the standards as may be established by cabinet order.

(Restoration to Original State)

Article 40. When the period of the occupancy of a road has expired or the occupancy has been discontinued, the road occupier shall remove the structures, articles and equipments which are occupying the road (hereinafter collectively referred to as "occupying articles") and restore the road to its original state. However, in case it is not proper to restore it to the original state, this shall not apply.

2 The road administrator may give the road occupier necessary directions concerning the restoration to original state under the provision of the preceding paragraph or concerning the steps to be taken in case it is not proper to restore the road to the original state.

(Application to Affixed Article)

Article 41. An act on the part of a person other than the road administrator intended to newly affix to the occupying articlesan article which may throw hindrances to the construction of the road or traffic shall be regarded as new occupancy of the road, in the application of the provisinns of this ~~Chapter~~ Section.

Section 4. Conservation of Road

(Maintenance or Repairs of Road)

Article 42. The road administrator shall, maintaining and repairing the road and thus keeping it always in good condition, use his endeavours in order that general traffic may not be hindered.

2 The technical standards and other necessary matters concerning the maintenance or repairs of roads shall be provided for by cabinet order.

(Prohibition concerning Road)

Article 43. No man shall commit the following acts with regard to roads:

(1) To damage or spoil roads without justifiable reason;

(2) To pile earth, stones, bamboos or trees, etc. on roads without justifiable ~~reason~~, or to commit other acts which may throw hindrances to the construction of roads or to traffic.

(Obligation of Damage Prevention of Administrator of Land etc. in Area along Road)

Article 44. For the purpose of preventing damage to the construction of the road or of preventing danger to the traffic on the road, the road administrator may designate areas adjoining to the road as the route areas, pursuant to the standards as may be provided for by by-law. However, he cannot designate a land over twenty meters in width as a route area for either side of the road.

2 When the road administrator has made designation of a route area in accordance with the provision of the preceding paragraph, he shall publish the area without delay.

3 In case it is deemed that some land, bamboos or trees, or a structure might cause some damage to the construction of the road or cause some danger to traffic, the administrator of such land, bamboos or trees or structure shall erect facilities to prevent such damage or danger and shall take other necessary steps to prevent such damage or danger.

4 In case the road administrator deems it specially necessary in order to prevent the damage or danger provided for in the preceding paragraph, he may order the administrator of the land, bamboos or trees or structure to erect the facilities provided for in the preceding paragraph and take some other necessary steps to prevent such damage or danger.

(Erection of Road Sign)

Article 45. For conservation of the construction of the road, or for smooth traffic, the road administrator shall erect road signs at necessary places.

2 The kinds, forms, places of erection and other necessary matters of and concerning the road signs referred to in the preceding paragraph shall be provided for by Prime Minister's Office and Ministry of Construction Ordinance.

(Prohibition or Restriction of Traffic)

Article 46. For the purpose of conserving the construction of the road and preventing danger to traffic, the road administrator may, fixing the section, prohibit or restrict the passage of the road in the case of any one of the following enumerated items:

(1) In case traffic is deemed to be dangerous owing to damage or breakage of the road or for some other reason;

(2) In case it is deemed to be necessary for works concerning the road.

2 With regard to bridges, the road administrator may prohibit the passage of vehicles in excess of the load limit which is deemed to be safe by a constructional calculation or test (except tramcars other than trolley buses; hereinafter the same).

(Steps concerning Passage of Vehicle)

Article 47. With the purpose of conserving the construction of roads and preventing danger to traffic, such standards concerning the restrictions to vehicles as are necessary in connection with roads shall be established by cabinet order.

2 The road administrator may order a person who is causing vehicles which exceed the standards established by cabinet order under the provision of the preceding paragraph to pass on the road to discontinue the passage of the vehicles concerned, to lessen the gross weight, to slow down the speed and to take other steps concerning the method of the passage to conserve the construction of roads and prevent danger to traffic.

3 When a person intends to use a road for motor-vehicle transportation business by fixing the route or to pass vehicles repeatedly on one and the same road, if the vehicles concerned do not conform to the standards provided for by cabinet order under the provision of paragraph 1, the road administrator may order him to take necessary steps to conform them to the standards, as related to the road.

(Road Sign etc. in case Traffic is Prohibited or Restricted)

Article 46. When the road administrator intends to prohibit or restrict the traffic on a road in accordance with the provision of Article 46, he shall erect road signs on which the objects of the prohibition or restriction, and the section, period and reason thereof are clearly written. In this case, if he deems it necessary, he shall denote the appropriate detour by road signs so that general traffic may not be hindered.

2 The road administrator shall erect a road sign wherever it is deemed necessary to especially denote the standards established by cabinet order under the provision of paragraph 1 of the preceding Article.

3 In case the road administrator intends to prohibit or restrict the traffic on a road in accordance with the provision of Article 46, he shall in advance inform the police chief having jurisdiction over the area concerned of the object, section, period and reason of the prohibition or restriction. In case of an emergency when he has had no time to inform the chief police in advance, he shall inform him promptly post factum of these items.

Chapter IV Expenses, Income and Obligation for Public Uses concerning Roads

(Principle of Sharing of Expenses concerning Administration of Road)

Article 49. The expenses concerning administration of a road shall, unless otherwise provided for by this Law, the Law concerning National Treasury Share of Expenses for Rehabilitation Works of Public Civil Engineering Facilities Damaged by Disaster or some other law, be borne by the road administrator of the road concerned (means the To, Do, Fu or prefecture under the control and jurisdiction of the governor of To, Do, Fu or prefecture who is the road administrator in case of a first class national road or a second class national road, and the local public body which is the road administrator in case of any other road;

hereinafter the same in this Chapter except Articles 57, 60, 63, 67 and 69).

(Expenses concerning Administration of First Class National Road)

Article 50. With regard to expenses required for construction or reconstruction of a first class national road, if the Minister of Construction executes the construction or reconstruction thereof, the State shall bear two-thirds thereof and the To, Do, Fu or prefecture one-third thereof, and if the governor of To, Do, Fu or prefecture executes the construction or reconstruction thereof, the State and the To, Do, Fu or prefecture concerned shall bear one half thereof respectively and the To, Do, Fu or prefecture shall bear the expenses for administration such as maintenance and repairs. However, in cases where the Minister of Construction executes construction or reconstruction of a first class national road which involves works on an excessively large scale such as those of a large bridge or a tunnel which exceed the standards as may be provided for by cabinet order, the rate of the share of the State may be three-fourths.

2 In the case prescribed in the preceding paragraph, if some other To, Do, Fu or prefecture also reaps much benefit from construction or reconstruction of the first class national road, the Minister of Construction may, according to the standards as may be provided for by cabinet order and within the limit of the amount of the benefit it reaps therefrom, cause such other To, Do, Fu or prefecture which reaps much benefit to bear part of the charge to be borne by the To, Do, Fu or prefecture where the first class national road concerned is located.

3 When the Minister of Construction in accordance with the provision of the preceding paragraph intends to cause some other To, Do, Fu or prefecture which reaps much benefit to bear part of the share to be borne by the To, Do, Fu or prefecture where the first class national road is located, he shall hear the opinions of the To, Do, Fu or prefectures interested.

(Expenses concerning Administration of Second Class National Road)

Article 51. With regard to expenses required for construction or reconstruction of a second class national road, if the Minister of Construction executes the construction or reconstruction thereof, the State shall bear two-thirds thereof and the To, Do, Fu or prefecture one-third thereof, and if the governor of To, Do, Fu or prefecture executes the construction or reconstruction thereof, the State and the To, Do, Fu or prefecture shall bear one half thereof respectively and the To,

hereinafter the same in this Chapter except Articles 57, 60, 63, 67 and 69).

(Expenses concerning Administration of First Class National Road)

Article 50. With regard to expenses required for construction or reconstruction of a first class national road, if the Minister of Construction executes the construction or reconstruction thereof, the State shall bear two-thirds thereof and the To, Do, Fu or prefecture one-third thereof, and if the governor of To, Do, Fu or prefecture executes the construction or reconstruction thereof, the State and the To, Do, Fu or prefecture concerned shall bear one half thereof respectively end the To, Do, Fu or prefecture shall bear the expenses for administration such as maintenance and repairs. However, in cases where the Minister of Construction executes construction or reconstruction of a first class national road which involves works on an excessively large scale such as those of a large bridge or a tunnel which exceed the standards as may be provided for by cabinet order, the rate of the share of the State may be three-fourths.

2 In the case prescribed in the preceding paragraph, if some other To, Do, Fu or prefecture also reaps much benefit from construction or reconstruction of the first class national road, the Minister of Construction may, according to the standards as may be provided for by cabinet order and within the limit of the amount of the benefit it reaps therefrom, cause such other To, Do, Fu or prefecture which reaps much benefit to bear part of the charge to be borne by the To, Do, Fu or prefecture where the first class national road concerned is located.

3 When the Minister of Construction in accordance with the provision of the preceding paragraph intends to cause some other To, Do, Fu or prefecture which reaps much benefit to bear part of the share to be borne by the To, Do, Fu or prefecture where the first class national road is located, he shall hear the opinions of the To, Do, Fu or prefectures interested.

(Expenses concerning Administration of Second Class National Road)

Article 51. With regard to expenses required for construction or reconstruction of a second class national road, if the Minister of Construction executes the construction or reconstruction thereof, the State shall bear two-thirds thereof and the To, Do, Fu or prefecture one-third thereof, and if the governor of To, Do, Fu or prefecture executes the construction or reconstruction thereof, the State and the To, Do, Fu or prefecture shall bear one half thereof respectively and the To,

hereinafter the same in this Chapter except Articles 57, 60, 63, 67 and 69).

(Expenses concerning Administration of First Class National Road)

Article 50. With regard to expenses required for construction or reconstruction of a first class national road, if the Minister of Construction executes the construction or reconstruction thereof, the State shall bear two-thirds thereof and the To, Do, Fu or prefecture one-third thereof, and if the governor of To, Do, Fu or prefecture executes the construction or reconstruction thereof, the State and the To, Do, Fu or prefecture concerned shall bear one half thereof respectively and the To, Do, Fu or prefecture shall bear the expenses for administration such as maintenance and repairs. However, in cases where the Minister of Construction executes construction or reconstruction of a first class national road which involves works on an excessively large scale such as those of a large bridge or a tunnel which exceed the standards as may be provided for by cabinet order, the rate of the share of the State may be three-fourths.

2 In the case prescribed in the preceding paragraph, if some other To, Do, Fu or prefecture also reaps much benefit from construction or reconstruction of the first class national road, the Minister of Construction may, according to the standards as may be provided for by cabinet order and within the limit of the amount of the benefit it reaps therefrom, cause such other To, Do, Fu or prefecture which reaps much benefit to bear part of the charge to be borne by the To, Do, Fu or prefecture where the first class national road concerned is located.

3 When the Minister of Construction in accordance with the provision of the preceding paragraph intends to cause some other To, Do, Fu or prefecture which reaps much benefit to bear part of the share to be borne by the To, Do, Fu or prefecture where the first class national road is located, he shall hear the opinions of the To, Do, Fu or prefectures interested.

(Expenses concerning Administration of Second Class National Road)

Article 51. With regard to expenses required for construction or reconstruction of a second class national road, if the Minister of Construction executes the construction or reconstruction thereof, the State shall bear two-thirds thereof and the To, Do, Fu or prefecture one-third thereof, and if the governor of To, Do, Fu or prefecture executes the construction or reconstruction thereof, the State and the To, Do, Fu or prefecture shall bear one half thereof respectively and the To,

Do, Fu or prefecture concerned shall bear the expenses for administration such as maintenance and repairs.

2 The provisions of paragraphs 2 and 3 of the preceding Article shall apply mutatis mutandis to the case of the preceding paragraph.

(Share of City, Town, or Village)

Article 52. With regard to the expenses to be borne by the To, Do, Fu or prefecture in accordance with the provisions of the preceding three Articles, if a city, town or village within the area of the To, Do, Fu or prefecture concerned reaps benefit from the works or maintenance, the city, town or village may be made to bear part of the expenses required for the works or maintenance concerned within the limit of the amount of the benefit it reaps from such works or maintenance.

2 The amount to be borne by a city, town, or village in accordance with the provision of the preceding paragraph shall be determined by the governor of the To, Do, Fu or prefecture concerned through the decision of the assembly of the To, Do, Fu or prefecture concerned after hearing the opinion of the city, town or village concerned.

(Payment of Charge)

Article 53. In case the Minister of Construction executes construction or reconstruction of a first class national road or second class national road, he shall first execute it all at the National expense and then, the To, Do, Fu or prefecture shall, as may be provided for by cabinet order, pay to the National Treasury the charge under the provision of Article 50 paragraph 1 or 2 or Article 51.

2 In case the governor of a To, Do, Fu or prefecture executes construction or reconstruction of a first class national road or second class national road, the State shall pay the charge under the provision of Article 50 paragraph 1 ~~or 2~~ or Article 51 paragraph 1, and the other To, Do, Fu or prefecture ordered to partially bear the expenses in accordance with the provision of Article 50 paragraph 2 (including its mutatis mutandis application in Article 51 paragraph 2) shall pay the allotted charge under these provisions to the To, Do, Fu or prefecture concerned as may be provided for by cabinet order.

3 The allotted charge of a city, town or village under the provision of paragraph 1 of the preceding Article shall, as may be provided for by cabinet order, be paid to the To, Do, Fu or prefecture.

(Expenses for Administration of Road in Boundary Area)

Article 54. With regard to expenses concerning administration of roads to be borne by local public bodies under the provisions of Articles 49 to 51 inclusive, if the expenses are related with a road in the boundary area of a local public body,

the road administrators interested may, upon mutual agreement, decide the amount to be shared and the method of sharing.

2 The provision of Article 19 paragraph 2 shall apply mutatis mutandis to cases where no agreement under the provision of the preceding paragraph is reached.

3 The provision of Article 7 paragraph 6 shall apply mutatis mutandis to arbitration by the Minister of Construction or the governor of To, Do, Fu or prefecture under the provision of Article 19 paragraph 2 applied mutatis mutandis in the preceding paragraph. In this case, in Article 7 paragraph 6, "the Minister of Construction" shall read "the Minister of Construction or the governor of To, Do, Fu or prefecture," "the governors of the To, Do, Fu or prefectures interested" "the road administrators interested", and "the assembly of the respective To, Do, Fu or prefectures concerned" "the assembly of the respective To, Do, Fu or prefectures under their control and jurisdiction if they are governors of To, Do, Fu or prefectures or of the local public bodies which are the road administrators if they are road administrators other than governors, as the case may be."

4 When the Minister of Construction or the governor of To, Do, Fu or prefecture has made arbitration under the provision of Article 19 paragraph 2 applied mutatis mutandis in paragraph 2, an agreement shall be deemed to have been reached, in the application of the provision of paragraph 1.

(Expenses for Structure in Concurrent Use)

Article 55. With regard to expenses for administration of a road to be borne by the State or a local public body under the provisions of Articles 49 to 51 inclusive, if the expenses are related with the road which is concurrently used as some other structure, the Minister of Construction or the road administrator of the road concerned may, when he makes an agreement with the administrator of the other structure, fix the amount of money to be shared and the method of sharing.

2 In the case of the preceding paragraph, if the other structure is an accessory of a river, the provision of Article 30 of the River Law shall apply.

3 The provision of Article 20 paragraph 2 shall apply mutatis mutandis to cases where an agreement prescribed in paragraph 1 fails to be reached, except when an agreement between the Minister of Construction and the administrator of the other structure fails to be reached. When the agreement between the Minister of Construction and the administrator of the other structure fails to be reached, the Minister of Construction may negotiate again with the Minister competent for the other structure concerned.

4 The provision of Article 7 paragraph 6 shall apply mutatis mutandis to arbitration of the Minister of Construction and the Minister competent for the other structure or of the governor of To, Do, Fu or prefecture under the provision of Article 20 paragraph 2 applied mutatis mutandis in the first part of the preceding paragraph. In this case, in Article 7 paragraph 6, "the Minister of Construction" shall read "the Minister of Construction and the Minister competent for the other structure concerned or the governor of To, Do, Fu or prefecture," "the opinions of the governors of the To, Do, Fu or prefectures interested" "the opinions of the road administrator of the road concerned and the administrator of the other structure," "when the governors of the To, Do, Fu or prefectures interested intend" "the approval of the assembly of the respective To, Do, Fu or prefectures concerned" "when the road administrators interested intend" and "the approval of the assembly of the respective To, Do, Fu or prefectures concerned" "the assembly of the respective To, Do, Fu or prefectures under their control and jurisdiction when they are governors of To, Do, Fu or prefectures or of the local public bodies which are road administrators when theyare road administrators other than these, as the case may be."

5 In case the Minister of Construction and the Minister competent for the other structure or the governor of To, Do, Fu or prefecture made arbitration in accordance with the provision of Article 20 paragraph 2 applied mutatis mutandis in paragraph 3, or in case an agreement between the Minister of Construction and the Minister competent for the other structure concerned was reached in accordance with the provision of the ~~proviso to~~ latter part of paragraph 3, it shall, as regards the application of the provision of paragraph 1, be deemed that an agreement between the Minister of Construction or the road administrator of the road concerned and the administrator of the other structure has been reached.

(Subsidization of Expenses of Road)

Article 56. In case it is necessary for construction and maintenance of a principal one of To, Do, Fu or prefectural roads or city roads designated by the Minister of Construction, in case it is necessary for investigation concerning a road under the provision of Article 78 or in case it is deemed specially necessary to construct and repair a road for development of resources, encouragement of industry, sightseeing or other national policies, the State may, as may be provided for by cabinet order and within the limit of the budget, grant a subsidy to the road administrator not exceeding one half of the expenses required for the construction or reconstruction of the road concerned, or not exceeding one-third of the expenses required for the investigation concerning the road or the repairs of the first class national road or the second class national road.

4 The provision of Article 7 paragraph 6 shall apply mutatis mutandis to arbitration of the Minister of Construction and the Minister competent for the other structure or of the governor of To, Do, Fu or prefecture under the provision of Article 20 paragraph 2 applied mutatis mutandis in the first part of the preceding paragraph. In this case, in Article 7 paragraph 6, "the Minister of Construction" shall read "the Minister of Construction and the Minister competent for the other structure concerned or the governor of To, Do, Fu or prefecture," "the opinions of the governors of the To, Do, Fu or prefectures interested" "the opinions of the road administrator of the road concerned and the administrator of the other structure," "when the governors of the To, Do, Fu or prefectures interested intend" "the approval of the assembly of the respective To, Do, Fu or prefectures concerned" "when the road administrators interested intend" and "the approval of the assembly of the respective To, Do, Fu or prefectures concerned" "the assembly of the respective To, Do, Fu or prefectures under their control and jurisdiction when they are governors of To, Do, Fu or prefectures or of the local public bodies which are road administrators when they are road administrators other than these, as the case may be."

5 In case the Minister of Construction and the Minister competent for the other structure or the governor of To, Do, Fu or prefecture made arbitration in accordance with the provision of Article 20 paragraph 2 applied mutatis mutandis in paragraph 3, or in case an agreement between the Minister of Construction and the Minister competent for the other structure concerned was reached in accordance with the provision of the ~~proviso to~~ latter part of paragraph 3, it shall, as regards the application of the provision of paragraph 1, be deemed that an agreement between the Minister of Construction or the road administrator of the road concerned and the administrator of the other structure has been reached.

(Subsidization of Expenses of Road)

Article 56. In case it is necessary for construction and maintenance of a principal one of To, Do, Fu or prefectural roads or city roads designated by the Minister of Construction, in case it is necessary for investigation concerning a road under the provision of Article 78 or in case it is deemed specially necessary to construct and repair a road for development of resources, encouragement of industry, sightseeing or other national policies, the State may, as may be provided for by cabinet order and within the limit of the budget, grant a subsidy to the road administrator not exceeding one half of the expenses required for the construction or reconstruction of the road concerned, or not exceeding one-third of the expenses required for the investigation concerning the road or the repairs of the first class national road or the second class national road.

(Expenses Required for Works etc. Executed by Person Other than Road Administrator)

Article 57. Expenses required for road works or for maintenance of a road executed by a person other than the road administrator in accordance with the provision of Article 24 shall be borne by the person who obtained the recognition of the road administrator in accordance with the provision of the same paragraph or the person who executes the maintenance of the road.

(Charge on Causer)

Article 58. The road administrator shall, with regard to expenses for road works necessitated by some other works or other act, make the person who bears the expenses for such other works or other act bear the whole or part thereof to the extent that such works are necessitated.

2 In the case of the preceding paragraph, if the other works are river works, the provision of Article 32 paragraph 2 of the River Law shall not apply with regard to expenses for the road works.

(Expenses Required for Accessory Works)

Article 59. With regard to the expenses required for such other works as are necessitated by road works or such other works as are necessitated for execution of the road works, the person who bears the expenses for the road works pursuant to the provisions of this Law shall bear the whole or part of the expenses to the extent that he caused the necessity thereof, unless otherwise provided for in the terms attached to permission under the provision of Article 32 paragraphs 1 and 3 or unless according to the mutual agreement under the provision of Article 35.

2 In the case of the preceding paragraph, if the other works are river works, the provision of Article 32 paragraph 1 of the River Law shall not apply to the expenses for such other works.

3 In case the road works under the provision of paragraph 1 have been necessitated by some other works or other act, the road administrator may make the person who bears the expenses of such other works or other act which was the cause thereof bear the whole or part of the expenses required for the other works referred to in the said paragraph to the extent that he caused the necessity.

(Expenses Required for Road Works Executed by Administrator of Other Structure)

Article 60 Expenses for road works which the road administrator makes the administrator of some other structure execute in accordance with the provision of Article 21 paragraph 1 shall be borne by the person who shall bear the expenses for the road works pursuant to the provisions of this Law. However, in case the administrator of

such other structure may be made to bear the whole or part of the expenses required for such works to the extent that he reaped benefit.

(Charge on Beneficiary)

Article 61. When there are persons who reap a considerable benefit from road works (except repair works), the road administrator may make such persons bear a part of the expenses required for such works to the extent that they reap benefit.

2 In the case of the preceding paragraph, the coverage of the persons from whom the charge is to be collected and the method of the collection shall be provided for by by-law of the local public body that is the road administrator.

3 The provisions of Article 217 paragraphs 3 and 4 of the Local Autonomy Law shall apply mutatis mutandis to the case of establishing or amending a by-law under the provision of the preceding paragraph.

(Special Charge)

Article 62. The road administrator may, as may be provided for by cabinet order, impose a part of the expenses required for maintenance or repairs of a road to a person who causes the necessity of maintenance or repairs of such road in consequence of special use of the road by letting vehicles pass along a fixed route or along one and the same road repeatedly.

2 The provisions of paragraph 2 of the preceding Article and Article 217 paragraphs 3 and 4 of the Local Autonomy Law shall apply mutatis mutandis to the charge to be collected pursuant to the provision of the preceding paragraph.

(Expenses for Works concerning Occupancy of Road)

Article 63. Expenses required for works related with occupancy of a road shall, unless in ~~accordance with~~ case the provision of Article 59 is to be applied, be borne by the person who obtained permission for the occupancy of the road from the road administrator.

(Notification, Procedures of Payment, etc. of Charge)

Article 64. Notification of the amount of the charge referred to in the preceding six Articles, procedures of payment thereof and other necessary matters concerning the charge shall be provided for by cabinet order.

(Destination of Income)

Article 65. The toll under the provision of Article 25, the fee for occupancy under the provision of Article 39 and the charge under the provisions of Articles 58 to 62 inclusive ~~and~~ the latter part of Article 63 shall be made the income of the road administrator.

(Expenses Required for Performance of Duties)

Article 66. Expenses required for performance of duties by this Law, orders or by-laws based on this Law or dispositions thereunder shall be borne by the obligor concerned, unless otherwise provided for by this Law.

(Entry into or Use of Land of Another Person)

Article 67. In case it is inevitably necessary for investigation, survey of works concerning a road or maintenance of a road, the road administrator, a person ordered by him or a person commissioned by him may enter land belonging to another person or use another's land being employed for no particular use as a timber-yard or a working-place.

2 In case it is intended to enter land belonging to another person in accordance with the provision of the preceding paragraph, notice thereof shall in advance be made to the occupant of the land concerned. However, in case it is difficult to notify it in advance, this shall not apply.

3 In case it is intended to enter a housing lot or land encircled by fences, railing, etc. belonging to another person pursuant to the provision of the preceding paragraph, notice thereof shall in advance be made to the occupant of the land concerned.

4 Before sunrise or after sunset, no one shall enter the land as provided for in the preceding paragraph unless the owner of land gives ~~consent~~ approval thereto.

5 A person who intends to enter land belonging to another person pursuant to the provision of paragraph 1 shall bring an identification card showing his status and show it when requested by an interested person.

6 In case it is intended to use temporarily another's land being employed for no particular use as a timber-yard or working place pursuant to the provision of paragraph 1, notice shall in advance be made to the occupant and the owner of the land concerned and their opinions shall be heard.

7 The form of the identification card under the provision of paragraph 5 and other necessary matters shall be provided for by Ministry of Construction Ordinance.

(Submission to Entry or Use)

Article 68. No occupant or owner of land shall reject or prevent the entry or temporary use referred to in paragraph 1 of the preceding Article, unless there is a justifiable reason.

(Temporary Use etc. of Land at Time of Emergency Disasters)

Article 69. The road administrator may, in case it is inevitably necessary owing to an emergency disaster relating to a road, use temporarily necessary land, or use, expropriate or dispose soil, stones, bamboos and trees or other articles at the actual spot of the disaster.

2 The road administrator may, in case it is deemed necessary for prevention of danger to structure of a road or traffic owing to an emergency disaster, make persons who happen to be at the place of the disaster or who reside in the neiborhood join prevention activities.

(Compensation for Loss)

Article 70. The road administrator shall compensate the persons who suffered losses in consequence of disposition under the provision of Article 67 or the preceding Article for such losses as may be ordinarily caused.

2 With regard to the loss compensation prescribed in the preceding paragraph, an agreement shall be made between the road administrator and the persons who suffered losses.

3 In case the agreement prescribed in the preceding paragraph fails to be reached, the road administrator shall pay the amount of money in his estimation to the persons who suffered losses. In this case, any person who is dissatisfied with such amount of money may, as may be provided for by cabinet order, apply to the Expropriation Committee for arbitration under the provision of Article 94 of the Land Expropriation Law (Law No. 219 of 1951) within one month from the day when the compensation money is paid.

(Compensation for Loss Caused by Construction or Reconstruction of Road)

Article 71. Except when the provision of Article 93 paragraph 1 of the Land Expropriation Law is to be followed, if the road administrator deems that construction or reconstruction of a road has necessitated to construct, enlarge, repair or move a passage, ditch, fence, railing or other structure or execute cutting or filling on the land facing the road concerned, he shall, when requested by the person for whom these works have been necessitated (hereinafter referred to as the "person who suffered the loss"), compensate the whole or part of the expenses required therefor.

2 Compensation for loss under the provision of the preceding paragraph shall not be claimed after the lapse of one year from the day of completion of the road works.

3 With regard to the loss compensation under the provision of paragraph 1 an agreement shall be made between the road administrator and the person who suffered the loss.

4 In case the agreement under the provision of the preceding paragraph fails to be reached, the road administrator or the person who suffered the loss may, as may be provided for by cabinet order, apply to the Expropriation Committee for arbitration under the provision of Article 94 of the Land Expropriation Law.

IF PROPRIETARY, NOT PUBLIC SEC. 3(b) AND 3(d) OR (e) MNOG # 775012

Chapter V Supervision

(Supervisory Disposition of Road Administrator etc.)

Article 72. The road administrator may, in regard to a person coming under any one of the following items, cancel permission or approval given him pursuant to the provisions of this Law or orders based on this Law, discontinue the effect thereof, after the conditions thereof or order suspensation of an act or works, reconstruction, move or removal of structures and other articles on the road, or establishment of facilities necessary to prevent losses to be caused by such structures or such other articles or restoration of the road to its original condition:

(1) Person who has violated the provisions of this Law or orders based on this Law or disposition based on these provisions;

(2) Person who has violated the conditions attached to permission or approval under the provisions of this Law or orders based on this Law;

(3) Person who has obtained permission or approval under the provisions of this Law or orders based on this Law by means of imposture or by some other unfair means.

2 The road administrator may, in case of any one of the following items, make dispositions or order steps prescribed in the preceding paragraph to a person who has obtained permission or approval under the provisions of this Law or orders based on this Law:

(1) In case inevitable necessity was caused by roads works;

(2) In case excessive hindrance was caused for structure of a road or traffic;

(3) Besides the cases referred to in the preceding two paragraphs, in case inevitable necessity was caused for the public interest based on a reason other than that for administration of the road.

3 In case the road administrator intends to make dispositions or order steps pursuant to the provision of the two preceding paragraphs, he shall in advance give a hearing to the persons related with the dispositions or steps concerned. However, in case it is urgently necessary for conservation of the structure of the road or prevention of dangers of traffic, this shall not apply.

4 The road administrator may appoint a road supervisor from among his officials and make him exercise the power under the provision of paragraph 1 to order to persons who are in contravention of the provisions of Article 24, Article 32 paragraph 1 or 3, Article 37, Article 40 paragraph 2, Article 43, Article 46

paragraph 3 or 4, Article 46 or Article 47 or of dispositions based on these provisions (including persons who are in contravention of dispositions of the road administrator under the provision of paragraph 1 or 2) to suspend the acts in contravention, to suspend the works, to reconstruct, to transfer or to remove the structures or other Articles on the road, to set up necessary facilities in order to prevent damage which might be caused by the structures or other articles, or to restore the road to its original condition.

5 The road supervisor shall, in case he exercises the power referred to in the preceding paragraph, carry an identification card showing his status and show it when requested by the interested persons.

6 The form of the identification card referred to in the preceding paragraph and other necessary matters in that connection shall be provided for by Ministry of Construction Ordinance.

(Compensation for Loss etc. Caused by Supervisory Dispositions)

Article 73. The road administrator shall compensate for such losses as may be ordinarily caused by disposition under the provision of paragraph 2 item (2) or (3) of the preceding Article to a person who obtained approval or permission under the provision of Article 24 or Article 32 paragraph 1 or 3.

2 The provisions of Article 70 paragraphs 2 and 3 shall apply mutatis mutandis to the case of the preceding paragraph.

3 In case the loss which caused the compensation under the provision of paragraph 1 was caused by a disposition under the provision of paragraph 2 item (3) of the preceding Article, the road administrator may make the person who caused the circumstance bear the compensation money concerned.

(Compulsory Collection of Charge etc.)

Article 74. In case any person fails to pay the charge, fee for occupancy or toll which he was ordered to bear pursuant to the provisions of this Law, orders or by-laws based upon this Law or dispositions made thereunder (hereinafter referred to as the "charge etc."), the road administrator shall press him for payment with a demand-note fixing the term of payment.

(in relation to the First class or Second cl
Fu or prefecture under the jurisdiction of G
prefecture who is the administrater of the r
the same in this article)

2 In the case of the preceding paragraph, the ro
may be provided for by by-law, a commission and
commission shall be determined within the limit of twenty yen, and the fee on
arrears within the limit of the amount of the arrears multiplied by the rate
of four sen per hundred yen a day.

paragraph 3 or 4, Article 46 or Article 47 or of dispositions based on these provisions (including persons who are in contravention of dispositions of the road administrator under the provision of paragraph 1 or 2) to suspend the acts in contravention, to suspend the works, to reconstruct, to transfer or to remove the structures or other Articles on the road, to set up necessary facilities in order to prevent damage which might be caused by the structures or other articles, or to restore the road to its original condition.

5 The road supervisor shall, in case he exercises the power referred to in the preceding paragraph, carry an identification card showing his status and show it when requested by the interested persons.

6 The form of the identification card referred to in the preceding paragraph and other necessary matters in that connection shall be provided for by Ministry of Construction Ordinance.

(Compensation for Loss etc. Caused by Supervisory Dispositions)

Article 73. The road administrator shall compensate for such losses as may be ordinarily caused by disposition under the provision of paragraph 2 item (2) or (3) of the preceding Article to a person who obtained approval or permission under the provision of Article 24 or Article 32 paragraph 1 or 3.

2 The provisions of Article 70 paragraphs 2 and 3 shall apply mutatis mutandis to the case of the preceding paragraph.

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(Compulsory Collection of Charge etc.)

Article 74. In case any person fails to pay the charge, fee for occupancy or toll which he was ordered to bear pursuant to the provisions of this Law, orders or by-laws based upon this Law or dispositions made thereunder (hereinafter referred to as the "charge etc."), the road administrator shall press him for payment with a demand-note fixing the term of payment.

2 In the case of the preceding paragraph, the ro[illegible] may be provided for by by-law, a commission and [illegible] however, the commission shall be determined within the limit of twenty yen, and the fee on arrears within the limit of the amount of the arrears multiplied by the rate of four sen per hundred yen a day.

(in relation to the First class or Second cl[illegible] Fu or prefecture under the jurisdiction of G[illegible] prefecture who is the administrater of the r[illegible] the same in this article)

3 In case a person who was pressed for payment under the provision of paragraph 1 fails to make payment of the amount to be paid within the fixed time limit, the road administrator may collect the charge etc., commission and fee on arrears prescribed in the preceding two paragraphs following the instance of disposition for recovering the national tax in arrears. In this case, the preferential right of the charge etc., commission and fee on arrears shall be of the same order as the collection money of the local public body other than such collection money of the local public body as provided for in Article 1 paragraph 1 item (14) of the Local Tax Law (Law No. 226 of 1950).

4 The Commission and the fee on arrears shall be prior to the charge etc.

5 The right to collect the charge etc., commission and fee on arrears shall be extinguished by prescription if it is not exercised in the course of five years.

(Authorization of Minister of Construction)

Article 75. The governor of To, Do, Fu or prefecture or the road administrator who is the governor of To, Do, Fu or prefecture shall, in cases coming under any one of the following items, obtain authorization of the Minister of Construction as may be provided for by Ministry of Construction Ordinance. However, with regard to matters of a minor nature as may be provided for by Ministry of Construction Ordinances, this shall not apply:

(1) In case he intends to recognize, alter or cancel the route of a To, Do, Fu or prefectural road (except in cases where the Minister of Construction has made arbitration in regard to recognition of a route in accordance with the provisions of Article 7 paragraphs 5 to 7 inclusive, and where the Minister of Construction has made arbitration in accordance with the provision of Article 10 paragraph 3 in regard to alteration or abolishment of a route following the example of the procedures provided for in Article 7 paragraphs 5 to 7 inclusive);

(2) In case he intends to construct or reconstruct a first class national road or second class national road.

(Supervision concerning Violation etc. of Laws and Ordinances)

Article 76. In case of coming under any one of the following items, the Minister of Construction may, concerning a first class national road, second class national road, To, Do, Fu or prefectural road and city road of a designated city, and the governor of To, Do, Fu or prefecture may, concerning a city, town or village road other than the city road of a designated city, respectively order to the road administrator concerned cancellation or alteration of his

disposition or other necessary disposition, or discontinuance, alteration or execution of the works or necessary steps for maintenance of such road:

(1) In case disposition made or works executed by the road administrator are deemed to be in violation of the provisions of this Law, orders based upon this Law or by-laws under the provision of Article 14 paragraph 3 of the Local Autonomy Law or of the disposition made by the Minister of Construction or the governor of To, Do, Fu or prefecture in accordance with these provisions;

(2) In case it is deemed specially necessary for conservation of structure of the road or prevention of danger for traffic.

2 In case any person has suffered a loss caused by cancellation or alteration of the disposition made by the road administrator in consequence of disposition of the Minister of Construction or the governor of To, Do, Fu or prefecture under the provision of the preceding paragraph, the road administrator shall compensate the person who suffered loss for such a loss as may be ordinarily caused.

3 The provisions of Article 70 paragraphs 2 and 3 shall apply mutatis mutandis to the case of the preceding paragraph.

(Submission of Report)

Article 77. The road administrator shall, as may be provided for by Ministry of Construction Ordinance, submit a report on such matters as enumerated below to the Minister of Construction if he is the governor of a To, Do, Fu or prefecture or a To, Do, Fu or prefecture and to the governor of To, Do, Fu or prefecture if he is a city, town or village:

(1) Road construction and reconstruction program;

(2) Actual results of executed road works;

(3) Details of the mutual agreement under the provision of Article 31 paragraph 1;

(4) By-law established in accordance with the provisions of Article 39 paragraph 2 or Article 61 paragraph 2 (including its mutatis mutandis application in Article 62 paragraph 2);

(5) Opinions submitted pursuant to the provision of Article 124 of the Road Transportation Law (Law No. 183 of 1951).

(Investigation concerning Road)

Article 78. The Minister of Construction may let his official or the chief of the local public body or an official ordered by him make necessary investigation relating to roads such as traffic volume or structure of roads.

2 In case it is deemed specially necessary for investigation of traffic volume

of a road pursuant to the provision of the preceding paragraph, the person who intends to make such investigation may make vehicles passing on the road stop for a while and put questions concerning the length, width and gross weight of such vehicles and other matters necessary for the investigation. In this case, the person who intends to make such investigation shall carry an identification card showing his status and show it when requested by the interested persons.

3 The power prescribed in the preceding paragraph shall not be construed as authorized for criminal search.

4 The form of the identification card under the provision of the latter part of paragraph 2 and other matters necessary for investigation of roads other than those prescribed in the preceding paragraphs shall be provided for by Ministry of Construction Ordinance.

(Recommendation etc. concerning Administration or Engineering of Roads)

Article 79. The Minister of Construction may, to a To, Do, Fu or prefecture or a city, town or village, and the governor of To, Do, Fu or prefecture may, to a city, town or village, make respectivly recommendation, advice, or assistance concerning administration or engineering of roads in order to conserve roads and to promote construction and reconstruction of roads.

Chapter VI Road Council

(Establishment and Business in Charge of Road Council)

Article 80. The Road Council shall be established as an auxiliary organ of the Ministry of Construction to make it investigate or deliberate, in response to inquiries of the Minister of Construction, upon road construction or reconstruction plans, designation of routes of first class national roads or second class national roads, and system concerning roads such as structure, construction method, etc. of roads.

2 The Road Council may give suggestions to administrative agencies concerned with regard to the items provided for in the preceding paragraph.

(Organization of Road Council)

Article 81. The Road Council shall consist of twenty or less members.

2 The members shall be appointed by the Minister of Construction from among persons of learning and experience and officials of the administrative agencies concerned and of local public bodies. However, the number of members appointed from among officials of the administrative agencies concerned and local public

bodies shall not exceed one half of the total number of the members.

(Term of Office of Members)

Article 82. The term of office of the members, except the members appointed from among officials of the administrative agencies concerned and local public bodies, shall be two years. However, the term of office of a member who fills a vacancy in the membership shall be the remainder of the term of office of his predecessor.

2 Members may be re-appointed.

3 Members shall be of part-time service.

(Chairman)

Article 83. The Road Council shall have a Chairman. He shall be elected by the members by mutual vote.

2 The Chairman shall preside over the affairs of the Council and act for the Road Council.

(Miscellaneous Affairs of Road Council)

Article 84. Miscellaneous affairs of the Road Council shall be handled by the Road Bureau, Ministry of Construction.

(Delegation to Cabinet Order)

Article 85. Other than those provided for in this Chapter, matters necessary for the proceeding and operation of the Road Council shall be provided for by cabinet order.

Chapter VII Miscellaneous Provisions

(Construction or Reconstruction of Accessory of Road)

Article 86. Construction or reconstruction of accessories of a road belonging to a first class national road or second class national road shall be executed by the road administrator of the first class national road or second class national road concerned, except in case of accompanying construction or reconstruction of a first class national road or second class national road which the Minister of Construction executes himself.

2 Construction or reconstruction of accessories of a road attached to a To, Do, Fu or prefectural road or a city, town or village road shall be executed by the road administrator of the To, Do, Fu or prefectural road or the city, town or village road concerned.

3 In case construction or reconstruction of accessories of a road accompanies construction or reconstruction of a first class national road or second class

national road, expenses required for the construction or reconstruction of the accessories of the road shall be borne by persons who bear the expenses required for construction or reconstruction of such first class national road or second class national road in proportion to the rate of their share, and in other cases they shall be borne by the road administrator (in cases where the governor of To, Do, Fu or prefecture is the road administrator, the To, Do, Fu or prefecture).

(Collection of Charge on Business etc. Operated by State)

Article 87. With regard to the decision of amount of the charge and the charge of road works necessitated by road occupancy under the provisions of Articles 58 to 63 inclusive on a business provided for in Article 35 and the method of collection thereof, the standards may be provided for by cabinet order.

2 In case the road administrator intends to collect a charge in accordance with the provision of Article 58 on a business prescribed in Article 35, or in case he intedns to establish or amend a by-law under the provision of Article 61 paragraph 2 (including its mutatis mutandis application in Article 62 paragraph 2), he shall act within the scope of the standards as may be provided for by cabinet order under the provision of the preceding paragraph.

(Conditions of Permission etc.)

Article 88. The Minister of Construction, ~~the governor of To, Do, Fu or prefecture~~ and the road administrator may, in addition to the case under the provision of Article 34, attach conditions necessary for conserving structure of roads, preventing danger for traffic and securing orderly traffic to permission, recognition or approval to be given under the provisions of this Law.

2 The conditions under the provision of the preceding paragraph shall not be those which may impose unfare obligations upon the person who obtained such permission, recognition or approval.

(Special Instances for Do)

Article 89. With regard to roads in the area of Do, the State may, as may be provided for by cabinet order, bear the whole amount of expenses for roads, bear or subsidize them exceeding the rate of share or the rate of subsidization provided for in this Law, or make subsidization other than that provided for in this Law.

2 In case the State bears the whole amount of expenses for a road pursuant to the provision of the preceding paragraph, the Minister of Construction may, when it specially concerns the interests of the State, exercise the power of the road administrator as may be provided for by cabinet order.

Article 90. In such area of To as there are special wards, the governor of To may recognize, alter or abolish the routes of To roads through decision of the assembly without following the standards prescribed in the items of Article 7 paragraph 1. In this case, permission of the Minister of Construction under the provision of Article 77 may not be obtained.

2 In case the governor of To intends to recognize, alter or abolish the route of a To road in accordance with the provision of the preceding paragraph, he shall in advance hear the opinions of the chiefs of the special wards where such route is located.

(To Whom Site etc. of Roads Belong)

Article 91. The site, supporting walls or other articles (hereinafter referred to as the "site etc.") which constitute a road and which are acquired for construction or reconstruction of a first class national road or second class national road shall belong to the State, and the site etc. acquired for construction or reconstruction of a To, Do, Fu or prefectural road or a city, town or village road shall belong to the To, Do, Fu or prefecture or a city, town or village respectively which executes such construction or reconstruction.

2 In case a national property that is a common property is appropriated for use of a To, Do, Fu or prefectural road or a city, town or village road, it may be lent gratis or given to the local public body which is the road administrator of the road concerned, notwithstanding the provision of Article 22 or 28 of the National Property Law (Law No. 73 of 1948).

(Proposed Road Site)

Article 92. During the period between the time when the area of a road is decided in accordance with the provision of Article 18 paragraph 1 and the time when the opening for service of the road is begun, even before the road administrator (including the Minister of Construction when he himself executes construction or reconstruction of a road; hereinafter the same in this Article) acquires the title relating to the land within the area concerned, no one shall, unless he obtains permission of the road administrator, alter the shape or nature of the land concerned, construct, reconstruct, extend or repair on a large scale structures, or add or increase articles there.

2 Even during the period between the time when the area of a road is decided and the time when the opening for service of the road is begun, when the road administrator has acquired the title relating to the land within the area concerned,

the provisions of Article 3, Chapter III Section 3, Article 43, Article 44, Articles 72 to 74 inclusive, Article 76, Article 88 and the Articles from the following Article to Article 96 inclusive shall apply with regard to the land concerned or articles installed on such land to be accessories of such road (hereinafter referred to as the "proposed road site").

3 In case a person suffers losses caused by the restriction under the provision of paragraph 1, the road administrator shall compensate him for such loss as may be ordinarily caused.

4 The provisions of Article 70 paragraphs 2 and 3 shall apply mutatis mutandis to the loss compensation under the provision of the preceding paragraph.

(Administration or Exchange of Disused Articles)

Article 93. In case of discontinuance of the use of a road or alteration of the area of a road, the person who was formerly administering such road shall administer such disused site, supporting walls and other articles (hereinafter referred to as "disused articles") which were constituents of the road concerned for a period not exceeding one year as may be provided for by cabinet order.

2 The provision of Article 3 shall apply mutatis mutandis to disused articles until the period referred to in the preceding paragraph expires.

3 In the application of the provision of Article 106 of the Land Expropriation Law, the disused articles referred to in paragraph 1 shall not be regarded as disused articles for the period provided for in the same Article.

4 In case it is necessary owing to the alteration of the route or alteration of the area to acquire a site and other articles to newly constitute the road, the road administrator may, when he obtains the consent of the owner of these and disused articles and of the persons who have rights other than ownership such as hypothec, lease and emphyteusis, exchange such disused articles with such articles even during the period of time referred to in paragraph 1.

(Use of Disused Articles)

Article 94. In case it is necessary to use disused articles for construction of another road or alteration of its area, and such disused articles are in the area of the road concerned, if the road administrator of such road makes a request to the administrator of such disused articles to that effect during the period referred to in paragraph 1 of the preceding Article, the administrator of the unused articles shall deliver them to the road administrator concerned.

Article 95. In case disused articles are in the possession of a person other than the administrator thereof, except the cases falling under the provisions of Article 93 paragraph 4 and the preceding article, the administrator of such disused articles shall return them to the owner immediately after the expiration of the period referred to in Article 93 paragraph 1.

2 In the case of the preceding paragraph, if such disused articles are national property, the Minister of Construction may, in agreement with the competent Minister who is the administrator of such national property, transfer them gratis to the local public body which bore the expenses for administration of the road where such disused articles were located, except those which need to be kept as national property, notwithstanding the provision of Article 28 of the National Property Law.

3 In the case of paragraph 1, if the administrator of disused articles cannot know the owner of such disused articles without fault on his part, he may deposit such disused articles.

4 The provisions of Article 495 paragraph 2 of the Civil Code (Law No. 189 of 1896) and of Articles 81 and 82 of the Non-Litigant Procedures Law (Law No. 14 of 1898) shall apply mutatis mutandis to the deposit under the provision of the preceding paragraph.

5 In cases where there are two or more local public bodies which are entitled to obtain the gratuitous transfer in accordance with the provision of paragraph 2, if one of them is a To, Do, Fu or prefecture, the Minister of Construction shall, and in other cases, the governor of To, Do, Fu or prefecture shall, determine the proportion of the transfer.

6 In the case of paragraph 2, ~~sale~~ the other party of purchase or repurchase under the provision of Article 106 of the Land Expropriation Law or Article 579 of the Civil Code shall ~~executed by~~ be the local public body which obtained the transfer.

(Expenses etc. concerning Disused Articles)

Article 96. Expenses required for administration of disused articles during the period referred to in Article 93 paragraph 1 or for exchange of disused articles under the provision of paragraph 3 of the same Article, or for return of disused articles under the provision of the preceding Article shall be borne by the administrator of such disused articles, and income acruing from administration of disused articles shall be put in the income of the administrator thereof.

(Filing of Objection, Appeal or Suit)

Article 97. A person who is dissatisfied with disposition mentioned in one of the following items made by the road administrator may, in the course of thirty days from the day when the disposition was made, file objection to the road administrator who made the disposition (in the case of a To, Do, Fu or prefectural road, means the head of the local public body which is the road administrator; the same in paragraphs ~~2 to 5 inclusive~~ 2 and 5):

(1) Order issued by the road administrator in accordance with the provision of Article 21 paragraph 1 or Article 22 paragraph 1;

(2) That the road administrator himself executes works in accordance with the provision of Article 23 paragraph 1 or Article 38 paragraph 1;

(3) That the road administrator gives **no approval** under the provision of Article 24;

(4) That the road administrator gives no permission under the provision of Article 32 paragraph 1 or 3 (including its mutatis mutandis application in Article 92 paragraph 2), or that he makes no disposition concerning the permission even after the lapse of three months from the day when the written application for permission was received;

(5) Decision of the amount of the fee for occupancy to be collected by the road administrator in accordance with the provision of Article 39 paragraph 1 (including its mutatis mutandis application in Article 92 paragraph 2);

(6) Direction by the road administrator in accordance with the provision of Article 40 paragraph 2 (including its mutatis mutandis application in Article 92 paragraph 2);

(7) ~~Direction~~ Order by the road administrator in accordance with the provision of Article 44 paragraph 4 (including its mutatis mutandis application in Article 92 paragraph 2);

(8) Prohibition or restriction of traffic, or other disposition by the road administrator in accordance with the provision of Article 46 or 47;

(9) Decision of the amount of the charge which the road administrator imposes in accordance with the provisions of Articles 58 to ~~63~~ 62 inclusive; and the latter part Article 63

(10) Disposition made by the road administrator in accordance with the provision of Article 72 paragraph 1 or 2 (including its mutatis mutandis application in Article 92 paragraph 2);

(11) That the road administrator ordered to bear a compensation money in

(including its mutatis mutandis application in Article 72, par. 2)

accordance with the provision of Article 73 paragraph 3, or decided amount thereof;

(12) Disposition made by the road administrator in accordance with the provision of Article 74 (including its mutatis mutandis application in Article 92 paragraph 2);

(13) That conditions were attached to permission or approval in accordance with the provision of Article 88 paragraph 1 (including its mutatis mutandis application in Article 92 paragraph 2);

(14) That permission under the provision of Article 92 paragraph 1 is not given, or that no disposition concerning permission is made even after the lapse of ~~three months~~ thirty days from the day when the application for permission was received;

2 A person who is dissatisfied with a disposition mentioned in any one of the items of the preceding paragraph made under the provision of Article 2? by the Minister of Construction, by the road administrator who administers a road beyond the area of a local public body or by the administrator of a structure other than a road which is concurrently used as a road during the time when he exercises the powers of the road administrator proper in the latter's place may file an objection in the course of thrity days from the day when the disposition was made to the Minister of Construction, to the road administrator who administers the road beyond the area of the one local public body or the other structure whoever made the decision, respectively as the case may be.

3 A person who is dissatisfied with a disposition made by the road supervisor in accordance with the provision of Article 72 paragraph 4 (including its mutatis mutandis application in Article 92 paragraph 2) may file an objection in the course of thirty days from the day when the disposition was made to the chief of the local public body which is the road administrator who ordered the road supervisor.

4 When an objection under the provision of the preceding three items is filed, the Minister of Construction or the road administrator shall make decision in writing in the course of thirty days from the day when he receives the objection.

5 A person who is dissatisfied with a decision under the provision of the preceding paragraph may appeal in the course of ten days from the day when he is informed of the decision to the Minister of Construction in case the decision was made by the Minister of Construction, the governor of To, Do, Fu or prefecture or the road administrator who is a To, Do, Fu or prefecture, or to the Minister of Construction and the Minister competent for such other structure in

case the decision was made by the competent Minister who is the administrator of the other structure, or to the governor of To, Do, Fu or prefecture in case the decision was made by some other road administrator or the administrator of the other structure.

6 Person who is dissatisfied with the arbitration made for an appeal under the provision of the preceding paragraph may, notwithstanding the provision of Article 5 paragraph 1 of the Law for Special Regulations concerning the Procedure of Administrative Litigations (Law No. 81 of 1948), bring a suit only within thirty days from the day when arbitration was made.

7 The provision of Article 12 of the Appeal Law (Law No. 105 of 1890) shall apply mutatis mutandis to raising of objections under the provision of paragraph 1.

(Exercise of Powers by Road Administrator)

Article 98. The powers of the road administrators (except in case the road administrator is the governor of To, Do, Fu or prefecture) under the provisions of Article 18, Article 21 paragraph 1, Article 22 paragraph 1, Article 23 paragraph 1, Article 24, Article 26 paragraph 3, Article 28, Articles 32 to 38 inclusive (including their mutatis mutandis application in Article 92 paragraph 2), Article 42 paragraph 2 (including its mutatis mutandis application in Article 92 paragraph 2), Article 44 paragraphs 1, 2 and 4 (including their mutatis mutandis application in Article 92 paragraph 2), Article 45 paragraph 1, Article 46, Article 47 paragraphs 2 and 3, Article 48, Article 67 paragraph 1, Article 69, the latter part of Article 71 paragraph 1, Article 72 paragraphs 1 to 4 inclusive (including their mutatis mutandis application in Article 92 paragraph 2), Article 88 paragraph 1 (including its mutatis mutandis application in Article 92 paragraph 2), Article 92 paragraph 1, Article 94 and paragraph 2 of the preceding Article (including its mutatis mutandis application in Article 92 paragraph 2) shall be exercised by the respective heads of local public bodies which are the road administrators (except in case the road administrators are governors of To, Do, Fu or prefectures).

(Unapplied Provisions)

Article 99. In case the route of a road is designated or recognized relative to some other article, the provision of Article 3 shall not apply to such other article.

Chapter VIII Penal Provisions

Article 100. A person who has damaged a road without cause, moved or damaged accessories of a road, injured the effect of a road, or caused danger to traffic on a road shall be punished with penal servitude not exceeding three years or a fine not exceeding 50,000 yen.

Article 101. A person who falls under any one of the following items shall be punished with penal servitude not exceeding one year or a fine not exceeding 30,000 yen:

(1) Person who has occupied a road or proposed road site in contravention of the provision of Article 32 paragraph 1 (or of the same paragraph applied mutatis mutandis in Article 92 paragraph 2);

(2) Person who has occupied a road or proposed road site in contravention of prohibition or restriction under the provision of Article 37 paragraph 1 or of the same paragraph applied mutatis mutandis in Article 92 paragraph 2;

(3) Person who has violated the provision of Article 43 or ~~of the same Article~~ (including the case applied mutatis mutandis in Article 92 paragraph 2);

(4) Person who without proper reason has refused or obstructed temporary use of land, or use, expropriation or disposal of soil, stones, bamboos and trees, or other articles under the provision of Article 69 paragraph 1.

Article 102. A person who falls under any one of the following items shall be punished with penal servitude not exceeding six months or a fine not exceeding 10,000 yen:

(1) Person who has occupied a road or proposed road site in contravention of the provision of Article 32 paragraph 3 or of the same paragraph applied mutatis mutandis in Article 92 paragraph 2;

(2) Person who has passed through a road in contravention of prohibition or restriction under the provision of Article 46 paragraph 1;

(3) Person who has passed over a bridge in contravention of prohibition under the provision of Article 46 paragraph 2;

(4) Person who has refused or obstructed entry into land or temporary use thereof in contravention of the provision of Article 68;

(5) Person who has violated the provision of Article 92 paragraph 1.

Article 103. A person who has violated an order of the road administrator under the provision of Article 72 paragraph 1 or 2 (including the case ~~or of the same paragraph~~ applied mutatis mutandis in Article 92 paragraph 2) shall be punished with a fine not exceeding 50,000 yen. The same shall apply to a person who has violated an order of the road supervisor under the provision of paragraph 4 of the same Article (including the case ~~or of the same paragraph~~ applied mutatis mutandis in Article 92 paragraph 2).

Article 104. A person who has violated an order of the road administrator under the provision of Article 47 paragraph 2 shall be punished with a fine not exceeding 30,000 yen.

2 A person who has violated an order of the road administrator under the provision of Article 47 paragraph 3 shall be punished with a fine not exceeding 50,000 yen.

Article 105. A person who has violated ~~an order of the road administrator under the~~ provision of Article 44 paragraph 4 (including the case ~~or of the same paragraph~~ applied mutatis mutandis in Article 92 paragraph 2) shall be punished with a fine not exceeding 10,000 yen.

Article 106. When the representative of a juridical person or the agent, employee or any other worker of a juridical person or a natural person has committed violation prescribed in the preceding six Articles in connection with the business of the juridical person or the natural person, the juridical person or the natural person shall be punished with a fine prescribed in the respective Articles, in addition to punishment of the offender. However, this shall not apply to the juridical person or the natural person in case there are proofs that he exercised sufficient caution and supervision in connection with the business in order to prevent the representative, employee and other worker of the juridical person from committing such act of violation.

Article 107. A person who exercises the powers of a road administrator in his place shall be regarded as a road administrator with regard to the application of the provisions of this Chapter.

Supplementary Provision:

The enforcement date of this Law shall be within the period of not more than six months reckoning from the day of its promulgation as may be fixed by cabinet order. However, the provisions of Articles 5 to 10, Article 75 item (1) and Chapter VI shall come into force as from the day of its promulgation.

Reason:

It is necessary to provide for recognition of routes, administration, structure, conservation, sharing of expenses, etc. concerning roads, and thereby to help development of traffic and to promote the public welfare. This is the reason for which this Bill is presented.

Reference

(Copy)

Road Law

(Law No. 58 of 1919 April '11)

Revision: 20 March 1922, Law No. 3

Chapter I. General provisions

Article 1. "Road", as referred to in this law, means the roads used for general traffic purposes, and acknowledged by administrative agency in accordance with the provisions of Chapter II.

Article 2. Those listed below shall be taken as the accessories of road, and over which the provisions of this law shall apply.

However, special provisions may be made by order.

1 Bridges and ferries connecting roads.

2 Ditches, roadside trees, supporting walls, fences, starting point of mile-posts, mile-posts, road-signs attached to roads.

3 Depository of materials for repair of roads located adjacent to them.

4 Others not-falling under any one of the foregoing items, and designated by order as accessory of road.

Article 3. Bridges or ferries, as referred to in this law means the bridges or ferries mentioned in Item 1 of the preceding Article. "Ferries", as referred to in this law, included ferry-boats.

Article 4. "Other facilities", as referred to in this law, means dykes, dams, bank-revetment, railroad bridges and other facilities designated by order.

Article 5. "Works concerning roads", as referred to in this law, means works for new construction, reconstruction and repair of roads.

Article 6. Private right shall not be excercised over the right of way and other properties which composes the roads. Provided that, the transfer of owner-ship, the establishment or transfer of mortgage shall not be affected.

Article 7. The provisions of this law concerning the roads, roadside or accessory of roads, may, by order, be applied mutatis mutandis to those

which are to become new roads, roadsides or accessory of roads.

Chapter II. Class and grade of roads, and approval of route

Article 8. Roads are classified into the following four classes:

1. National road.
2. Prefectural road.
3. City road.
4. Town or village road.

Article 9. The grade of each road shall be in the order same as above.

Article 10. The route of national road shall be approved by the competent Minister, about the route listed bellow.

1. The routes running from Tokyo-city to Jingu, the seats of prefectural government, divisional headquarters and naval stations, or the major ports.
2. The routes mainly for military purposes.

Article 11. The routes of prefectural roads are as listed bellow, and the prefectural governor shall approve the routes inside the prefecture.

1. The routes running from the seat of prefectural government to the seats of adjacent prefectural governments.
2. The routes running from the seat of prefectural government to the important places, ports and harbors, or railroad stations inside the prefecture.
4. The routes running from the important places of prefecture to the closely concerned another important places, ports and harbors or the railroad stations.
5. The routes running from important port or harbor inside the prefecture to important places or railroad stations closely concerned.
6. The routes running from important railroad stations inside the prefecture to closely concerned important places or harbors or ports.
7. Important trunk-routes which connect several cities, towns or villages, and which run to important places, ports or harbors, or

railroad stations closely concerned with the regions along the routes.

8. The routes running from important port, harbor or railroad station to to join national road or prefectural road which has close connection with them.

9. The routes necessary for local development, and which, in the future, will fall under one of the preceding items.

Article 12. Resineded.

Article 13. The route of city-roads shall be approved by the mayor of each city.

Article 14. The routes of town or village roads shall be approved by the headman of each town or village.

Article 15. Mayor of city, headman of town or village may, only where it is specially necessary for the city, town or village, approve the routes outside the city, town or village upon hearing the opinions of the mayor of cities, and headman of towns and villages concerned.

The routes mentioned above shall become the route of city road if it is approved by mayor of city, and shall become the route of town or village road if it is approved by headman of town or village.

Article 16. In case where a route of high-grade road and that of low-grade road duplicate, the duplicating part shall be considered a part of high-grade road.

Chapter III Administration of Roads

Article 17. Prefectural governor shall be the road administrator of national roads, and the person who approved the route in case of other roads. However, in the cities designated by Imperial Ordinance, the national roads and prefe tural roads within the boundaries of the cities shall be administered by the mayor of each city.

Article 18. The roads running over the administrative boundary-line may

in accordance with the provisions of order, be administered by one of the administrative agencies concerned which are the administrators of roads under the provisions of the preceding Article.

In case where the road is simultaneously serving as other facility, the provision of the preceding paragraph shall apply mutatis mutandis for the administration of that road and facility. However, no private individual may become the administrator.

Article 19. The area of road shall be fixed by the administrator.

Article 20. Construction, reconstruction, repair and maintenance of road shall be made by administrator.

The competent Minister may execute construction or reconstruction of national roads, when he deems it necessary. In this case, the competent Minister shall exercise the powers of road adminstrator, in accordance with the provisions of Order.

Article 21. In case where a road is simultaneously serving as other facility, the administrator may require the administrator of that facility to execute the works for road, or to perform maintenance of the road. However, in the case of falling under the provisions of Article 10 paragraph 1 of the River Law, the provisions of the River Law shall apply.

Article 22. The administrator may let the execution of road works rendered necessary for other construction or action to the construction executor or the person who manages the action.

Article 23. In case where there is a special reason, other than the cases provided for by the preceding two Articles, the administrative agency, which is the road administrator, may let the lower administrative agency or private individual execute the works for repair of roads, or perform maintenance of roads.

Article 24. Any person other than the road administrator may, with the permission or approval of the administrator, execute the works for road, or perform maintenance of road.

Article 25. Other works rendered necessary for the works related to road may be executed by the road administrator along with the work related to roads.

Article 26. Any person other than the administrator may, with the permission or approval of road administrator, establish bridges or ferries which enable collection of tolls or ferry charge for the fixed period. Any person who has obtained the permission or approval of the preceding paragraph shall perform maintenance and repair of the bridges and ferries for the fixed period.

Article 27. Road administrator may, only where there is a special reason, establish toll-bridge or toll ferry.

Article 28. Road administrator may, within the limit or not interrupting traffic, give permission for or approve the occupancey of roads. As regards the national enterprise, the competent government agencies may, upon consultation with the competent Minister, occupy the roads of the preceding paragraph. A part of the authority of the competent Minister provided for by the preceding paragraph may be delegated to prefectural governors.

Road administrator may collect the charge for occupancy of the roads, except for occupancy made in accordance with the provisions of the preceding paragraph.

Article 29. In case the administrator rejects to give permission or approval, or fixed inappropriate charge for occupancy, without good reasons, concerning the occupancy provided for by paragraph 1 of the preceding Article is related to the enterprise which will afford benefits to the public, the competent Minister may, upon receipt of application of enterprisers, give permission or approval for occupancy or may fix the charge for occupancy.

Article 30. Road administrator shall prepare register of roads under his administration.

The matters to be entered on the register shall be decided by order.

Article 31. Construction, maintenance, and repair of road, and method of exercising road works shall be provided for by Order.

Article 32. Institution of personnel necessary for the administration of roads, and their duties and authority shall be provided for by Imperial Ordinance.

Chapter IV Expenses and Obligations concerning Roads

Article 33. Expenses for new construction or improvement of State highway chiefly for military uses or other national roads disignated by competent Minister shall be in share of the State Treasury. Expenses for new construction or improvement of State highways in the Regulations of paragraph 2 of Article 20 shall be treated the same. Expenses for roads outside of those specified in the preceding paragraph shall be in share of public body controlled by the supervising administrative agency except for the caxe when road in question runs along the boondary line of two administrative agencies, tne, the expenses shall be fixed by administrative agencies concerned through negotiation in case no agreement is reached, then, the competent Minister shall make due decision.

Expenses required for new construction or improvement of State road specified in Article 20 paragraph 2, in accordance with the Order, may place a part of them in share of public body controlled by the supervising administrative agency.

Article 34. In case of the preceding Article, if road and other structure have common benefit, the provisions of paragraph 2 of the preceding Article shall be applied respect to the share of the expenses except for the case coming under the rpvision of Article 30 of the River Law, in which case it shall be governed by this Law.

Article 35. Of the expenses specified in Article 33 paragraph 2 that required for new construction or improvement of national road a part of it may be subsidized from the National Treaury.

The same procedure may be taken if there is special reason for new construction of improvement of roads, class below prefectural.

Article 36. Expenses for construction of road specified in Article 24 or maintenance thereof, or expenses for bridge or ferry to be constructed according to the provision of Article 26 shall be in share of party granted with permit or approval.

Article 37. Concerning for road required subsequent to the other work or act, administrator may place a part or whole of the expenses in share the party engaged in other work or act.

Article 38. In case there is special reason, the expenses for repairings of road or maintenance thereof in accordance with the regulations of Article 23, supervisor may place a part or whole of expenses in share of public body controlled by lower class administrative agency of the same Article or by private individual mentioned in the same Article.

Article 39. When there is a person receiving considerable benefit from the constructed road, administrator place a part of expenses in share of a parson receiving such benefit in proportion to the degree of getting benefit therefrom.

Article 40. When there is a person engaged in an enterprise causing damage to road extraordinarily, administrator may place a part of expenses in share of the enterpriser required for maintenance and repairing of the road.

Article 41. Expenses required for other work or works became necessary subsequent to the road construction, administrator excepting the case where by special reason a part or whole of the expenses put in share of persons engaged in other work or works, shall see that the party conducting the construction of road shall share the expenses.

Article 42. Expenses necessary for performance of obligations called for by this Law or order resulting from this Law or such disposals based on this Law, unless otherwise stipulated by laws, shall be in share of a party bearing the obligations.

Article 43. Money of share in the expenses for road , excepting thecase of share of expenses engaging in construction and maintenance of road, that concerns with new construction or improvement of national road chiefly for military purpose or other designated by the competent Minister according yo Article 33 paragraph 1 through one shall become the revenue of the State Treaury while other shall become the income of public bodies controlled by the superrising administrative agency.

In case the sharer of expenses in the preceding paragraph is public body if controlling administrative agency of it, or administrator engaged in execution of coatruction or maintenance of road for application of the provisions of the preceding paragraph the work shall be considered as conducted by the sharer of the expenses.

Money of share in the expenses specified in Article 41 shall become income of the State Treaury or public body respectively according to as exemplified by two preceding paragraphs.

Article 44. Charges for occupancy of roads and other incomes from roads shall become the revenues of the public bodies controlled by the supervising administrative agency, shall become the income of the person granted with permit or approval. However, tolls permitted or approved in accordance with the provisions of Article 26.

Article 45. When deemed it necessary for construction or roads, administrator enter lands along the road or may use them temporarily as storage space of materials.

In case of going into or use of lands according to the provisions of the preceding paragraph it shall be required to notify the possessors of the lands in advance excepting for unavoidable cases.

Article 46. When deemed it necessary on account of emergent disaster, administrator may employ persons living around the road or may use lands around the road temporarily, or may use of earth, stones, bamboos and trees or other articles.

Article 47. Damages due to going in, use, employment or expropriation according to the providions of the preceding two Articles shall be compensated by the administrator within three months after going in, use, employment or expropriation took place.

Article 48. Supervisors of lands, bamboos, trees or structures along the road shall make proper equipment to prevent damages to the road by lands, bamboos, trees or structures.

Article 49. The provisions concerning the use of road or safeguarding about road and traffic shall be provided for by Order. Of the restrictions respect to structures built along road or other commitment of non-commitment that aimed at safeguarding of road and its traffic shall be regulated likewise.

Article 50. Sections along a road shall be fixed by supervisor.

Chapter V Supervision and Penalty Rules

Article 51. In cases given below, administrator by this Law or by orders issued based on this Law may cancel the permit or approval granted, suspend its effect or change conditions, or make literation or removal of structures or other things on road, or may request to make equipments to prevent damages causing by them, pr may demand to restore to the original status.

1. When violated the regulations of the law concerning roads;
2. When violated the conditions in permit or approval granted according the regulations of the law concerning road;
3. When obtained the permit in accordance with the regulations of the law concerning roads through fraud.
4. When deemed it necessary for construction work respect to road.
5. When deemed it necessary in account of public interest.

In case any receives damage from one of the five items in the preceding paragraph, administrator make good a part or whole of its damage by person taking share of the expenses of the construction of road.

The provisions of the preceding two paragraphs are to be applied for the cases of cancelling of permit or approval granted by the provisions of Article 29 by the compptent Minister, suspension of its effect or change of its condition.

Article 52. For the following matters or changes, suspension or cancellation thereof, the item (1) by administrative agency and others by supervisor shall approval of supervising agency by obtaned. However, concerning insignificant matters the competent Minister may order exempting from getting the approvals.

1. Approving route of road other than State road.
2. Fixing of road or sections along the road.
3. Construction of new road or improvement thereof.
4. Execution of road work or maintenance work of road according to the provision of Article 21 through Article 23 to be done.
5. Granting of permit or approval in accordance with the provisions of Article 24 or 26.
6. Execution of other work in accordance with the provision of Article 25.
7. Establishment of bridge or ferry which collect tolls for bridge or ferry in accordance with the provisions of Article 27.
8. Granting of permit or approval for sole use of road by the provisions of Article 28 or collecting of charge for occupdncy of road.
9. Placing share of expenses by the provisions of Article 37 through Article 41.
10. Making disposal according to the provisions of paragraph 1 or 2 of the preceding Article.

Article 53. Supervising office, may when deemed it necessary order administrative agency or supervisor of the preceding Article respect to the matters given each item in the preceding Article, or its change, suspension or cancellation, or may issue other orders or may make disposals.

Article 54. Eliminated.

Article 55. Money in share change for occupancy, toll for bridge and ferry or other expenses under obligation through this Law or orders issued according to this Law or orders issued according to this Law or by disposal thereof,,administrator may collect as exemplified in disposal of arrears of national tax.

The order of priority of money collected according to the provision of the preceding paragraph and respect to additional collection, return and prescription shall follow the example of money collected by public bodies, controlled by supervising administrative agency.

Article 56. Person coming under one of the following cases shall be fined or penalized not to exceed 300yen.

1. Person executed work on road or accessaries to road or person made occupancy or subsidiaries of road without permit.
2. Person request, without permit, bridge toll or ferry toll or any other financial means for use of bridge or ferry.
3. Person requested road toll or other financial means for use of road.
4. Person obtained permit by fraud.
5. Person disobeyed order of administrator specified in Article 46 without good reason.
6. Person failed to provide necessary equipment to prevent damage liable to be inflicted to roads or accessaries of road in violation of the provisions of Article 48 or Article 2 and Article 48.

Chapter VI Appeal and Law Suit

Article 57. Person having objection to the disposals of the competent Minister or administrator respect to matters regulated in this Law or orders issued according to this Law may appeal.

In case it may make law-suit at administrative court according to this Law, no appeal to the competent Minister may be allowed.

Article 58. Person being inflicted with damage for his privilege through disposal for violation conducted by the competent Minister or

supervisor on matters regulated in order issued by this Law or by this Law may bring lawsuit to administrative court,

Article 59. Person entitled to compensation of Article 47 has objection to the compensation notified within the specified period of the same Article as to its decision within six months after the receipt of notification, in case no notification received within the specified period as to decision within six months after the expiration of that specified period, may bring lawsuit to ordinary court. In this case, no appeal or no lawsuit in administrative court may be allowed.

Chapter VII Miscellaneous Provisions

Article 60. In this Law, the provisions concerning prefectures, prefectural governors, prefectural government office or prefectural road shall apply to Hokkaido, governor of Hokkaido Government Office or local road expenses as concernd with Hokkaido, the provisions concerning city, mayor , city hall or city roads shall apply to ward, chief of ward, ward office or ward roads as to Hokkaido, the provisions concerning county shall apply to branches of Hokkaido Government Office as concernd with Hokkaido and as concerned with island to Islands Government Office.

Article 61. Regarding Hokkaido, special enactment may be stipulated by Imperial Ordinance as to class of road, kind of road or fixing or route and concerning the provisions of Article 33 through Article 36, Article 43, Article 44 and Article 52.

Article 62. Special enactment may be stipulated by Imperial Ordinance regarding supervision and disposal of things and materials, implements, machineries and etc. in connection with road and subsidiaries of road become unless in case of change or abolishment of route of road, or by other causes.

In case of change or abolishment of route of road by the preceding paragraph, to road and thing constituting subsidiaries of road the provisions of Article 6 shall be applied until the expiration of period

specified by Imperial Ordinance and as to application of the provisions and applicating provisions of Article 66 in the Eminent Domain Law, it is considered as if the road is still in use.

Article 63. The following provisions of the laws shall not apply to road in this Law.

1. Preclamation of Dec. 14, 1871: concerning permit for collecting tax from persons receiving benefit or transportations by river improvement, road and bridge, etc.
2. Out in 22 July, 1878: paragraph 12 concerning order of enforcing acts of prefectural assembly regulations for organization of county, ward, town and villages, and local tax.
3. Out in 27 Feb. 1879: matter concerning permitting payment for expense for river work, harbor, road, revetment, bridge, etc. according to old system (customarily).
4. Article 2 of the Land Survey Law.
5. Article 2 of the Waterway Survey Law.
6. Articles 1, 4 and 5 of the Law for Construction of Telegraph and Telephone..
7. Articles 1, 4 and 5 of the Law for Construction of Telegraph Military Telegraph Law.
8. Article 10 paragraph 2 of the River Law, Articles 11 and 32.
9. Articles 8 and 16 of the Torrential River Law.
10. Article 42 of the Private Railway Law.
11. Article 42 of the Private Railway Law as applied the provisions of Article 5 of the Light Railway Law.
12. Electrical Enterprise Law.
13. Law No. 37 of 1914.

Supplementary Rules:

Article 64. Day of enforcement of this Law shall be fixed by Imperial Ordinance.

Article 65. The following Laws shall be abolished.

1. Proclamation Law No. 325 of 1872.
2. " No. 46 of 1873.
3. Out by Law No. 413 of 1873.
4. " No. 60 of 1876.
5. " No. 1 of 1885.
6. Imperial Ordinance No. 28 of 1887.

Article 66. The disposals and subsequent conditions previous to enforcement of this Law, so long they do not conflict with th orders issued by this Law, shall be considered as the disposals and sub equent conditions performed according to this Law.

Article 67. Respect to the matters subject to permit o approval required of supervisor, these existed at the time this Law enacted shall be con- sidered as obtained the permit or approval os supervisor by this Law.

However, supervisor may within three months after this Law taking effect by specifying the period not less than six months, to put notice for losing of effect of permit of approval after expiration of that period.

Article 68. Appeal or administrative lawsuit brought up before the enforcement of thid Law sha l be treated as usual by previous example.

(By Imperial Ordinance No. 459 of 1919, enacted from 1 April of 1920).

Supplementary Rules (Law No. 3 of 20 Mar. 1922)

Time of enforcement of revised regulations of Articles 20, 30, 43 and 60 to be fixed by Imperial Ordinance. Other regulations to enforce from the day of enactment of Article 1 of Law no. 63 of 1921. However, by attached provision of this regulation, etc.

(Imperial Ordinance No. 383 of 1922 regarding to revisions of Articles 20, 33, 43 and 60 to take effect from 1 April, 1923).

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: 10 Apr 52

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

1 Incl Bill re: Residential Lot and House Agency Business

ESS
GS

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

WFM/REP/ARD/ao
A.R. DeAngelis

From: ESS To: Govt Sec Date: 11 APR 1952

2. No comment.

1 Incl
n/c

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

FEC AGO Form No. 37

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

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FEC AGO Form No. 37

April 9, 1952.

Title of the Bill: Residential Lot and House Agency Business Bill.

(Presented by SETOYAMA Mitsuo (L) and 11 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.

House of Representatives

Apr. 9, 1952.

Residential Lot and House Agency Business Bill

(Presented by SETOYAMA Mitsuo (L)
and 11 others)

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Chapter I General Provisions

(Purpose)

Article 1. The purpose of this Law is to accelerate the utilization of residential lots and houses by enforcing the registration of those engaged in the residential lot and house agency business, carrying out supervision necessary for such

enterprise and thereby regulating the proper operation of such business.

(Definition of words used in this Law)

Article 2. In this Law the words used therein which are mentioned under each of the following items shall be as is defined under each item concerned.

(1) "Residential lot" shall mean a piece of land supplied for the site of a house.

(2) "The residential lot and house agency business" shall mean to conduct as business sale or purchase, or exchange of a residential lot or lots and/or a house or houses (including part of the house; hereinafter the same), or agency or brokerage for sale or purchase, exchange or lease or renting of a residential lot or lots and/or a house or houses.

(3) "The client" shall mean any person who asks the person engaged in the residential lot and house agency business to act as agent or broker for sale or purchase, exchange or lease or renting of a residential lot or lots and/or a house or houses.

Chapter II Registration

(Registration)

Article 3. Any person who intends to operate the residential

lot

lot and house agency business shall get registration in accordance with the provisions of this law.

2. The registration provided for in the preceding paragraph shall be valid for two years.

3. Any person who intends to operate the residential lot and house agency business in continuation after the expiry of the effective period of the registration provided for in Paragraph 1 shall get renewed registration.

(Application for Registration)

Article 4. Any person who intends to get registration prescribed in Paragraph 1 or 3 of the preceding Article (hereinafter referred to as an "applicant for registration") shall, in accordance with the provisions of Ministry of Construction Ordinance, submit to the Governor of the To, Do, Fu or Prefecture, under the jurisdiction of which the applicant's main office is, an application statement for registration with the following matters entered therein:

(1) Trade name or appellation

(2) In case of an individual, his full name.

(3) In case of a juridical person, the full names of the officers thereof (by which the corporation employees who conduct the business thereof, directors or other persons who correspond to the aforenamed, are meant; hereinafter the same).

(4) The seat of the office or offices.

2. The application statement for registration prescribed in the preceding paragraph shall be accompanied by the

following

following documents in accordance with the provisions of Ministry of Construction Ordinance:

(1) A statement of past experimental history as residential lot and house agent (in case of a person who intends to get a renewed registration in accordance with the provisions of Paragraph 3 of the preceding Article, a statement entered with the outline of the actual business results for each business term in one year immediately before the submission of such application.)

(2) A statement vowing that the applicant for registration does not come under what is mentioned in each of the items in Article 6, Paragraph 1.

(3) In case the applicant for registration comes under one of the items in Article 6, Par. 2, a statement to that effect, and in case he does not come under any one of such items, a statement vowing to that effect.

(4) In addition to those mentioned in each of the preceding paragraphs, a synoptical personal history of the applicant for registration (in case of a juridical person, those of the officers thereof) and a statement entered with other matters as provided for by Ministry of Construction Ordinance.

3. The applicant for registration shall pay to the competent To, Do, Fu or Prefectural Government a registration fee

not

not exceeding three thousand Yen (Yen 3,000) in accordance with the provisions of the by-law concerned.

(Execution of Registration)

Article 5. The Governor of To, Do, Fu or prefecture shall, when an application for registration as provided for in the preceding Article has been made, register, without delay, matters mentioned in each item of the preceding Article, paragraph 1, the date of registration, and the number of registration in the Residential Lot and House Agency Register (hereinafter referred to as the "Register.), except in cases where registration is denied in accordance with the provisions of Article 6.

2. The Governor of To, Do, Fu or prefecture shall, when the registration as prescribed in the preceding paragraph has been made, immediately notify to that effect the applicant for registration concerned.

(Refusal of Registrasion)

Article 6. The Governor of To, Do, Fu or prefecture shall, when the applicant for registration falls under any of the following items, or when there is any false statement entered in the application statement for registration or in the attached documents, in respect to important matter, or when any important fact is not entered therein, deny such a registration after having inquired of the applicant for registration thereabout.

(1) A bankrupt who is not yet reinstated

(2) Any pe son whose registration has been cancelled in accordance with the provisions of Article 20, paragraph 1, item 1 or paragraph 2, item 3 to item 5, and for whom two (2) years have not elapsed since the date of such cancellation. (in case of a jurisdical person, those who were officers on the date of cancellation are included.)

(3) Any minor or an incompetent who has not the same capacity in relation to the business as a person of full age, and whose legal representatives fall under item 1 or the preceding item.

(4) Any juridical person who has among the officers those falling under item 1 or item 2.

2. The Governor of To, Do, Fu or prefecture may, when ~~when~~ the applicant for registration falls under any of the following items, deny the registration.

(1) Any person who has been sentenced to a penalty heavier than imprisonment without hard labor or punished with a fine for infringing the provisions of this Law, and for whom two years have not elapsed since the day when the execution of such sentence was not either completed or excused.

(2) Any minor or an incompetent who has not the same capacity in relation to the business as a person of full age, and whose legal representatives fall under the preceding item .

(3) Any juridical person who has among the officers those felling under item 1.

3. The Governor of To, Do, Fu or prefecture shall, when registration has been denied in accordance with the provisions of the preceding two paragraphs, without delay, notify of the applicant for registration concerned to that effect with the statement in writing of the reason therefor.

(Service of Copies of the Register etc.)

Article 7. When the Governor of To, Do, Fu or Prefecture made registration in accordance with Article 5, paragraph 1 of this law (including the case where it is applicable correspondingly under the provisions of Article 8, paragraph 2), he shall, in case the registered applicant has his office in another To, Do, Fu or prefecture's area, immediately forward the copies of the part of the Register concerning the said applicant, and of the documents provided for in Article 4, paragraph 2, to the Governor of another To, Do, Fu or prefecture concerned.

(Report of Change)

Article 8. Any person who carries on the residential-lot and house agency business by obtaining registration provided for in Article 15, paragraph 2 of this law (hereinafter, referred to as those engaged in the residential-lot and house agency business) shall in case any change has been made on the matters mentioned in any item of Article 4, paragraph 1, report, within the (2) weeks, such facts to the Governor of To, Do, Fu or prefecture within which jurisdiction the place where his main office is situated.

2. (2) The provisions of Article 5, paragraph 1 shall be applicable correspondingly to the case where the report of change under the provisions of the preceding paragraph has been made.

(Report of closing of Business etc.)

Article 9. In case any person engaged in the residential lot and house agency business has come to fall under any of the following items, the person falling under any of the said items shall report within thirty (30) days, to that effect, the Governor of To, Do, Fu or prefecture within which jurisdiction the place where his main office is situated.

(1) In case the residential-lot and house agency business has been closed, the person who was engaged in the residential-lot and house agency business.

(2) In case any person engaged in the residential lot and house agency business has dies, his heir;

(3) In case any person engaged in the residential lot and house agency business has become bankrupt, the administrator in bankruptcy;

(4) In case the juridical person was dissolved due to merger, the person who was the officer thereof.

(5) In case the juridical person was dissolved due to other reasons than bankruptcy or merger, liquidator thereof.

(Striking out of Registration)

Article 10. The Governor of To, Do, Fu or prefecture shall strike out the registration of the residentiel-lot and house agency business from the Register, when it comes under any of the following items:

(1) In case of failure of the report prescribed in the preceding Article;

(2) In case no application for the renewal of the registration was made at the time of expiry of the effective term of the registration.

2. When the Governor of To, Do, Fu or prefecture has struck out the registration in accordance with the preceding provisions, he shall, when the person whose registration has been struck out has his office in another To, Do, Fu or prefecture's area, immediately notify to that effect to the Governor of another To, Do, Fu or prefecture concerned.

(Inspection of the Register, etc.)

Article 11. The Governor of To, Do, Fu, or prefecture within which jurisdiction the place where the office of the person engaged in the residential lot and house agency business is situated, shall provide the Register, documents prescribed in Article 4, paragraph 2 of this law, or the copies thereof related to such person, for the general inspection.

(Prohibition of unregistered business)

Article 12. Any person who has not registered under the provisions of Article 5 Paragraph 1 shall not carry on the residential lot and house agency business.

Chapter III. Business

(Principle of business transaction)

Article 13. Any person engaged in the residential lot and house agency business shall be faithful to the client and other parties concerned with the business and shall perform business with sincerity.

(Prohibition of improperly delayed performance)

Article 14. Any person engaged in the residential lot and house agency business shall not take such action as to delay improperly registration or delivery of residential lot or house or the payment of the compensation thereof, to be done in regard to the business.

(Sending

(Sending of the written contract)

Article 15. Any person engaged in the residential lot and house agency business shall send the written contract to the client without delay, wnenever he has concluded the contract which was entrusted by the client.

(Obligation to keep secrecy)

Article 16. Any person engaged in the residential lot and house agency business shall not disclose the secret matters to the others which he know in the course of transacting business unless such an action is justified. The same shall apply even after he ceases to carry on the business.

(Remuneration)

Article 17. The sum of the remuneration which those engaged in the residential lot and house agency bisiness are entitled to receive for acting as agent or broker for sale or purchase, exchange or lease or renting of a residential lot or house shall be provided for by the Governor of To, Do, Fu and Prefecture.

2. Any person engaged in the residential lot and house agency business shall not receive remuneration exceeding the sum prescribed in the preceding paragraph.

(Prohibitive matters concerning business)

Article 18. Those engaged in the residential lot and nouse agency business, shall not in connection with such business, do any of such acts as emunerated below to the client or the other party of sale or purchase, exchange or lease or renting of residential lot or house:

client or the other party of sale or purchase, exchange or lease or renting of residential lot or house:

(1) Act not to tell the real fact purposely or to tell false fact on the important matters.

(2) Act to demand improperly high amount of remuneration.

(Putting up of Sign)

Article 19. Any person who is engaged in the residential lot and house agency business shall put up the sign as provided for by the Ministry of Construction Ordinance for every office at a place to be easily seen by the general public.

(Suspension of Business and Cancellation of Registration)

Article 20. The governor of To, Do, Fu or prefectures shall cancel the registration for the person who is engaged in the residential lot and house agency business if he falls under any of the following items:

(1) In case he has obtained the registration under Article 5 paragraph 1 by unjust means;

(2) In case he has come to fall under Article 6 paragraph 1 item (1), (3) or (4);

(3) In case the fact that he falls under any item of Article 9 without making the report under the same Article.

2. In case the person who is engaged in the residential lot and house agency business falls under any of the following items, the governor of To, Do, Fu or prefectures may order the suspension of the whole or a part of his business within the period not exceeding six months or may cancel his registration:

(1) In case he has come to fall under any item of Article 6 paragraph 2;

(2) In case he has failed to make the report under Article 8 paragraph 1;

(3) In case he has violated the provisions of Articles 14 to 16 inclusive, Article 17 paragraph 2, Article 18 or the preceding Article;

(4) In case he has violated the disposition of the governor of To, Do, Fu or Prefectures made in accordance with the provisions of this Law;

(5) In case he has been deemed to have committed remarkably illegal acts in connection with his business.

3. In case the governor of To, Do, Fu or prefectures intends to cancel the registration or to order the suspension of the business in accordance with the provisions of the preceding two paragraphs, he shall make the report to that effect to the said persons who is engaged in the residential lot and house agency business in advance and he shall cause the officials to be designated by him to hold the hearing asking the attendance of the said

person

person (the personnel in case of the juridical person: hereafter, the same shall epply in this Article) or the proxy of the said person. However, he may make the said disposition not holding the hearing if the said person or the proxy does not attend the hearing without due reasons.

4. In case the governor of To, Do, Fu or prefecture has cancelled the registration for the person who is engaged in the residential lot and house agency business in accordance with the provisions of paragraph 1 or paragraph 2, he shall rescind the said registration immediately thereafter and shall make the report to that effect to the person whose registration was cancelled.

5. The provisions of Article 10 paragraph 2 shall apply mutatis mutandis to the case where the registration was rescinded in accordance with the preceding paragraph.

Chapter IV Miscellaneous Provisions

(Report and Spot Examination)

Article 21. The Governor of To, Do, Fu or Prefecture may, when he deems it necessary for the equitable operation of the residential lot and house agency business, order a necessary report on the business to be submitted, or let a competent official enter the office of a person engaged in the residential lot and house agency business and examine books, documents and other matters relating to the business.

2. When a competent official makes entry and examination under the provisions of the preceding paragraph, he shall carry with him an identification card certifying his official status, and produce it whenever requested by any person concerned.

3. The power to make entry and examination under the provisions of paragraph 1 shall not be construed to have been given for the purpose of criminal search.

(Petition)

Article 22. Any person who is not satisfied with the disposition made by the Governor of To, Do, Fu or Prefecture, concerning matters provided for in this Law, may file a petition to the Minister of Construction.

(Exception from ~~From~~ Application)

Article 23. This Law shall not apply to the State, a local public entity, trust company and bank dealing with trust business in addition.

Chapter V Penal Provisions

Article 24. Any person who falls under any of the following items shall be amenable to penal servitude for a period not exceeding three years or a fine not exceeding three hundres thousand (300,000) yen, or to both penalties:

(1) A person who is registered under Article 5 paragraph 1 by illegal means.

(2) A person who violates the provisions of Article 12 or 18.

(3) A person who operates business against the order for the suspension of business as provided for in Article 20 paragraph 2.

Article 25. Any person who violates the provisions of Article 14 or Article 17 paragraph 2 shall be amenable to penal servitude for a period not exceeding one year or a fine not exceeding one hundred thousand (100,000) yen, or to both penalities.

Article 26. Any person who falls under any of the following items shall be amenable to a fine not exceeding fifty thousand (50,000) yen:

(1)

(1) A person who violates the provisions of Article 15.

(2) A person who violates the provisions of Article 16.

2. No public action shall be instituted against the crime under item (2) of the preceding paragraph unless a complaint has been lodged.

Article 27. Any person who falls under any of the following items shall be amenable to a fine not exceeding twenty thousand (20,000) yen:

(1) A person who files no report on the change provided for in Article 8 paragraph 1 or files a false report.

(2) A person who violates the provisions of Article 9 or 19.

(3) A person who files no report on the change provided for in Article 21 paragraph 1 or files a false report.

(4) A person who refuses, obstructs or evades the examination provided for in Article 21 paragraph 1.

Article 28. When the representative of a juridical person or an agent, employee or other worker for a juridical or natural person commits an act under any of the preceding four Articles (except Article 26 paragraph 1 item (2)) in regard to the business of such juridical or natural person, the juridical or natural person shall be amenable to the fine provided for in the paragraph concerned, in addition to the infliction of punishment to the person who has committed the said act. However, this provision shall not apply to the juridical or natural person in cases where there is proof that

due caution and supervision were exercised on the business in order to preevent the committment of the said act by the agent, employee or other worker of the juridical or natural person.

Supplementary Provisions

(Date of Enforcement)

1. The date of enforcement of this Law shall be fixed by Cabinet Order for a day not exceeding ninety days counting from the day of its promulgation.

(Person Engaged in Residential Lot and House Agency Business on Day of Enforcement of This Law)

2. Any person who is actually operating the residential lot and house agency business at the time of the enforcement of this Law shall be deemed as the person who is engaged in the residential lot and house agency business even if he does not obtain the registration under Article 5 paragraph 1 within the period of sixty days counting from the day of the enforcement of this Law. In case the said person has applied for the registration in accordance with the provisions of Article 4 within the said period, the same shall apply to the case until the day when the disposal for the said application is made if the said period has elapsed.

(Partial Amendment to the Ministry of Construction Establishment Law)

3. 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 (18):

(18-2) To administer the business relating to the enforcement of the Residential Lot and House Agency Business Law (Law No. of 1952);

In Article 4 paragraph 9, "items (18) and (19) of the preceding Article" shall be amended as "items (18) to (19) inclusive of the preceding Article".

March 25, 1952.

Title of the Bill: Bill for Abolition of the Summer-Time Law. (Presented by INOGUCHI Masao (C) and 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.

CLEARED
WILLIAMS

House of Representatives

March 25, 1952.

Bill for Abolition of the Summer-Time Law.

(Presented by INOGUCHI Masao (C) and 22 others)

The Summer-Time Law (Law No.29 of 1948) shall be abolished.

Supplementary Provision:

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

House of Representatives

March 26, 1952.

Bill for Abolition of the Summer-Time Law.

(Presented by NAKASONE Yasuhiro (P) and
68 others)

The Summer-Time Law (Law No.29 of 1948) shall be abolished.

Supplementary Provision:

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

House of Representatives

March 26, 1952.

Bill for Abolition of the Summer-Time Law.

(Presented by FUNAKOSHI Hiroshi (L) and 11 others)

The Summer-Time Law (Law No.29 of 1948) shall be abolished.

Supplementary Provision:

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 Date: 13 Apr 52
1.	Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives**
	1 Incl **Bill re: Wooden Vessel Transportation**
	ESS **Trans** **CS**

- 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

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Note No.	From: Govt Section To: Trans Sec Date: 13 Apr 52
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	ESS
	Trans
	GS
- - - -	- F. R. - - - - - - - - - - - - - - - -

FEC AGO Form No. 37

HR

WOODEN VESSELL TRASPORT

Mr. Cole 26-8634

2 From: Trans Sec To: Govt Sec

The Transportation Officer offers no comment on the attached draft bill.

1 Incl
n/c

- H. T. M. - - - - - - - -

HR

WOODEN VESSELS TSPT

WFM/REP/my
R. Phillips
15 APR 1952

2 From: ESS To: GS

No comment
1 Incl:
n/c

W. F. M.

April 12, 1952.

Title of the Bill: Wooden Vessel Transportation Bill.
(Presented by SEKIYA Katsutoshi)

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

Apr. 12, 1952.

Wooden Vessel Transportation Bill

(Presented by SEKIYA Katsutoshi (L))

(Purpose of this Law)

Article 1. The object of this Law is to promote sound development of the wooden vessel transportation business and thereby to contribute to smooth operation of marine transportation by wooden vessel.

(Definition)

Article 2. In this Law the "wooden vessel" shall mean a vessel made of wood (including a lighter made of wood) engaged in the transportation of goods on the sea which is other than those enumerated below.

(1) Any boats propelled exclusively withoars or chiefly therewith.

(2) Any boats which come under the application of the Fishing Vessel Law (Law No. 187, 1950).

2. In this Law the "wooden vessel transportation business" shall mean the wooden vessel operation business, wooden vessel forwarding agency business and wooden vessel's lease business.

3. In this Law the "wooden vessel operation business" shall mean the business (other than those enumerated below) to carry goods by wooden vessel on the sea.

(1) The business mentioned in Paragraph 4 Item (2).

(2) The passengers liner service enterprise provided for in the Marine Transportation Law (Law 187, 1949).

(3) The harbor transportation business provided for in the Harbor Transportation Business Law (Law No. 161, 1951).

(4) The business of one who operates the business, which corresponds to any one of the items of Article 3 of the Harbor Transportation Business Law, in any harbor other than those treaty ports provided for in the Customs Law (Law No. 61, 1899).

4. In this Law the "wooden vessel forwarding business" shall mean the business of one who conducts part or the whole of the business mentioned below, and that of one who conducts any business other than the harbor transportation business provided for in the Harbor Transportation Business Law and also other than any business corresponding to what is mentioned in each of the items of Article 3 of the Harbor Transportation Business Law in any harbor other than the treaty ports provided for in the Customs Law.

(1) The business of one who acts for others in forwarding goods by wooden vessel on the sea under his own name.

(2) The business of one who undertakes the transportation of goods by wooden vessel on the sea and causes a wooden vessel operator or any other wooden vessel forwarding agent to sub-contract the whole or part of such transportation.