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APPENDIX E

BILL CONCERNING THE REGULATION OF POLITICAL CONTRIBUTIONS AND EXPENDITURES

CHAPTER 1.

General Rules

Article 1. The present Law aims at the sound development of democratic government, by clearing up political activities of political party, association and other organization and candidate for public office, etc. and by securing just election.

Article 2. The term "election" as used in this Law shall mean the election under the Law for Election of Members of the House of Representatives, the Law for Election of Members of the House of Councillors and the Local Autonomy Law.

Article 3. The term "political party" as used in this law shall mean any organization which have as their primary purpose, that of promoting, supporting or opposing a political principle or policy, or recommending, supporting or opposing candidate for public office.

The term "association and other organization" as used in the Law shall mean organizations other than political parties which have the purpose of supporting or opposing a political principle or policy, or recommending, supporting or opposing a candidate for public office.

Article 4. The term "candidate for public office" as used in this Law shall mean an individual who has declared himself or been recommended as a candidate in the election under Article 2 in accordance with the laws mentioned in the aforesaid Article.

Article 5. The term "income" as used in this Law shall mean receipt of money, goods and other property interests as well as acceptance or promise of receipt of the same.

The term "contribution" as used in this Law shall mean offer or delivery of money, goods and other property interests as well as promise of offer or delivery of the same, other than those made as party fee, membership fee or discharge of liabilities.

The term "payment" as used in this Law shall mean offer or delivery of money, goods and other property interests as well as promise of offer or delivery of the same.

CHAPTER II.

Political Party, Association and other Organization

Article 6. The political party, association and other organization shall have a chairman or chief manager and a treasurer, and report in writing to the Election Management Commission concerned, according to the following classification, their names, addresses, dates of birth and dates of appointment as well as the address of the main office of the political party, association and other organization, within seven (7) days from the day of its establishment or from the day when it has come to have the purpose prescribed in Article 3.

1. As to the political party, association and other organization, which have the purpose as provided for by Article 3, within the boundary of city, town or village, the Election Management Commission of the city, town or village, wherein its main office is located.

2. As to the political party, association and other organization,

which have the purpose as provided for by Article 3 over the boundary of more than one city, town or village within the same To, Do, Fu or Ken or outside the boundary of city, town or village wherein its main office is located, the Prefectural Election Management Commission through the Election Management Commission of city, town or village wherein its main office is located.

3. As to the political party, association and other organization, which have the purpose as provided for by Article 3 over the boundary of more than one To, Do, Fu or Ken, or outside the boundary of To, Do, Fu or Ken, wherein its main office is located, the National Election Management Commission through the Election Management Commission of To, Do, Fu or Ken wherein its main office is located.

The political party, association and other organization shall previously designate a person who shall perform the duties of a treasurer in the latter's incapacity or absence, and report the same simultaneously with the report under the preceding Paragraph in the similar manner as prescribed in the aforesaid Paragraph.

Article 7. The political party, association and other organization shall report any change in the matters reported in accordance with the preceding Article, within seven (7) days from the day of such changes in the similar manner as prescribed in the preceding Article.

Article 8. No contribution shall be accepted or payment made, in whatever name, by the political party, association and other organization, for the purpose of recommendation, support or opposition of candidate for public office or for other political activities, until report is made in accordance with the provisions of Article 6 or of the preceding Article.

Provided, however, in case of absence of treasurer, if there is a person reported in accordance with the provisions of Article 6, Paragraph 2 or of the preceding Article to perform the duties of treasurer, the foregoing provisions shall not apply.

Article 9. The treasurer of political party, association and other organization shall keep account-books and enter therein the matters mentioned in the following items.

1. In case of a political party, all contributions and other incomes, and in case of an association and other organization, all contributions (including contributions made for such political party, association and other organization with the knowledge of its chairman or chief manager, or treasurer.)

2. The name, address (in case of an organization its name, address of main office and the name and address of its representative, the same shall apply hereinafter) and occupation of all persons making contributions as mentioned in the preceding item, as well as the amount (in case of property interests other than money, their current value, the same shall apply hereinafter) and date thereof.

3. All payments made by political party, association and other organization (including payments made with the knowledge of its chairman or chief manager or treasurer on behalf of the political party, association and other organization).

4. The name, address and occupation of all persons to whom such payments mentioned in the preceding item have been made, as well as the object, amount and date of such payments.

The National Election Management Commission shall prescribe the kind and form of account-book mentioned in the preceding Paragraph and publish

them in the Official Gazette.

Article 10. Any person who accepts contributions or makes payments with the knowledge of the chairman, or chief manager or the treasurer of political party, association and other organization for or on behalf of the said political party, association and other organization, shall submit to its treasurer a detailed statement including the name, address and occupation of contributer or receiver of such payment and the amount of contribution or payment, object of payment and date thereof within seven (7) days after the receipt of contribution or the defrage of payment. It shall however, be submitted immediately upon request of its treasurer.

Article 11. The treasurer of political party, association and other organization or the person who made payment with the knowledge of the chairman or chief manager, or the treasurer of political party, association and other organization on behalf of such political party, association and other organization, shall collect and keep receipt or voucher for any payment exceeding one thousand (1,000) yen except, where are the circumstances which render such collection impossible.

The person who made payment exceeding one thousand (1,000) yen with the knowledge of the chairman or chief manager, or the treasurer of the political party, association and other organization on behalf of such political party, association and other organization shall send the receipt or voucher under the preceding Paragraph to the treasurer immediately.

Article 12. The treasurer of political party, association and other organization shall render a statement as of April 30, August 31 and December 31 each year, within ten (10) days from the next day of the aforesaid dates, containing the particulars mentioned in the following items to the

Election Management Commission concerned in accordance with the classification under each item of Article 6, Paragraph 1.

1. In case of a political party, all contributions and other income, and in case of association and other organization all contributions (including contribution made with the knowledge of the chairman or chief manager, or the treasurer of political party, association and other organization on behalf of such organizations.)

2. Concerning aforesaid contributions which were made by a political party, association or other organization, and exceed one thousand (1,000) yen in amount (in case contributions were made for several times, their aggregate amount), the name and contributions which were made by one other than a political party, association and other organization and exceed five hundred (500) yen address and occupation of the person making such contribution, the amount and date thereof.

3. All the payments of political party, association and other organization (including payments made with the knowledge of the chairman or chief manager or the treasurer of political party, association and other organization on behalf of such organizations).

4. Concerning the aforesaid payments which were made by a political party, association or other organisation, and exceed one thousand (1,000) yen in amount (in case contributions were made for several times their aggregate amount), and payments which were made by one other than a political party, association or other organization, and exceed five hundred (500) yen the name, address and occupation of the person to whom such payments were made, and the object and date thereof.

The statement mentioned in the preceding Paragraph shall show all contributions and other income as well as payment received or made since January 1 with the aggregate.

The National Election Management Commission shall prescribe the form of the statement under Paragraph 1 and publish the same in the Official Gazette.

Article 13. The treasurer of the political party, association and other organization shall submit, concerning the matters relative to the contributions and payments received or made in connection with the election, to the Election Management Commission concerned a statement showing the matters prescribed in each item of Paragraph 1 of the preceding Article in accordance with the provision prescribed in the following items.

1. Among the contributions and other income as well as payments received or made in connection with the election of candidate for public office prior to the date of such election, those received or made before the day of announcement or notice of the date of such election together with those received or made after the announcement or notice of the date of election but seven (7) days before the date of election, five (5) days before the date of election.

2. As to the contributions and other income as well as payments received or made in connection with the election of candidates for public office, during the period six (6) days before the date of such election up till the date of such election as well as after the date of such election, together with the settlement of account of the contributions and other income as well as payments, received or made before seven (7) days prior to the date of election, within fifteen (15) days after the date of election.

3. As to the contributions and other income as well as payments received or made in connection with the election after the statement under the preceding item was filed, within seven (7) days from the day such contributions and other income as well as payments were received or made.

In case of election under Article 65, Paragraph 1 of the Local Autonomy Law, the contributions and other income as well as payments received or made in connection with the election, required after the election day of chief of local public entity shall be regarded as contributions and other income as well as payments received or made in connection with the election, and the provisions of items 2 and 3 of the preceding Paragraph shall be applied to them. Provided that, the report shall be submitted within fifteen (15) days from the date of election under the aforesaid Article.

Article 14. In case where two or more elections are held simultaneously or in rapid succession and the contributions and other income as well as payments are difficult to decide for which of such elections they were intended, the statement prescribed in Paragraph 1 of the preceding Article shall contain all such contributions and payments.

For the purpose of the filing of the statement prescribed in the preceding Paragraph, the period of election shall be the period from the day the first announcement or notice of the date of such election was made to the day of the last election.

Article 15. In case a change is made in the treasurers of political party, association and other organization, the retiring treasurer shall hand over his duties to his successor within fifteen (15) days from the day of former's retirement.

In case the retiring treasurer can not transfer his duties or his successor can not take over the former's duties, the person who performs the duties of treasurer under Article 6, Paragraph 2 shall transfer or take over the duties. When it becomes possible to transfer the duties to the successor after the person who performs the duties of treasurer took over the duties, the latter shall immediately transfer the duties to the successor.

When the transfer of duties is made in accordance with the provision of the preceding two Paragraphs, the person who transfers the duties shall make a statement of transference in similar manner as prescribed in Articles 12 and 13, write the fact of transference and the date thereof, sign and set seal on the statement with the person who takes over the duties, and hand over the statement together with cash, account-book and other documents.

Article 16. The treasurer of political party, association and other organization shall preserve account-book, detailed statements as well as receipts or other voucher for payment for a period of two years after the day when the statements prescribed in Article 12 or 13 was filed.

Article 17. In case a political party is dissolved or a political party, an association and other organization has ceased to have the object prescribed in Article 3, its chairman or chief manager and treasurer shall report the fact and the date within fifteen (15) days from such date, together with the statement of contributions and other income as well as payments as of the day of dissolution or the day when it ceased to have the object of Article 3 in the similar manner under Article 12 to the Election Management Commission concerned.

Article 18. Among the provisions in this Chapter, those concerning political party shall be applied with necessary modification to its local

chapters, and these concerning association and other organization shall apply with necessary modification to its branches.

CHAPTER III

Candidate for Public Office

Article 19. A candidate for public office shall appoint a person who shall assume the responsibility for payments of expenses for election campaign (hereinafter to be called the accountant.) This shall not preclude the candidate to assume such responsibility on himself or the recommender (in case where these are more than one recommender, their representative) to appoint, or himself to act as the accountant with the consent of the candidate.

The person who has appointed the accountant shall fix the highest amount which the accountant may defray in a written statement, sign and set seal upon it together with the treasurer.

The person who has appointed the accountant (including the candidate or the recommender who has become the accountant himself) shall forthwith render a written report to the Election Management Commission concerned stating the name, address, occupation, age and date of such appointment along with the name of the candidate.

The recommender, who has appointed the accountant, in filing the report mentioned in the preceding Paragraph shall attach thereto a document proving the candidate's consent to such appointment (in case where there are more than one recommender, also a document to prove his representative capacity).

Article 20. A candidate may remove the accountant by a written notice. The same shall apply to the recommender who appointed the accountant, when the consent of the candidate was obtained for such measure.

The accountant may resign his post by notifying the candidate and the appointor in writing.

Article 21. The person who appointed the accountant shall report any change in the appointment, after the manner prescribed in Article 19, Paragraph 2 and Paragraph 3.

The report of removal or resignation prescribed in the preceding Paragraph shall be accompanied by a document proving the fact that the notice provided for in the preceding Article has been given. In case where the accountant is removed from his post by the recommender, the report must be accompanied additionally by a document proving the candidate's consent.

Article 22. In case where the accountant is prevented from executing his duty or absent, the person who appointed him shall take his place. Should the recommender who appointed the accountant be unable to take the accountant's place, the candidate shall attend to the duties of the accountant (the same applies to the case with the recommender who has become the accountant).

The person who executes the duties of the accountant in accordance with the provision of the preceding Paragraph shall report the fact in writing in the similar manner as prescribed in Article 19, Paragraph 3 and Paragraph 4.

The report mentioned in the preceding Paragraph must show the name (also the name of the recommender who appointed the accountant, if he, too, is prevented or absent) the circumstance which prevented the execution of the duty or of vacancy and the date on which the execution of the duty of the accountant by proxy was commenced. Where the person who acts in place of the accountant ceases to do so, the fact and the date thereof shall be reported in writing.

Article 23. The accountant (including the person who acts in his place) shall not, until after the report prescribed in Article 19, Paragraph 3 and Paragraph 4, Article 21 or Paragraph 2 and 3 of the preceding Article, receive contributions or make payment for the candidate, in whatever name, for the recommendation, support or opposition and other campaigns. The same shall apply in case where the candidate or the recommender receives contributions.

Article 24. The accountant shall keep account-book and enter therein the following matters:

1. All contributions and other income in connection with the election campaign (including contributions made for the candidate with the knowledge of the candidate or the accountant).

2. The name, address and occupation of the person who made contributions prescribed in preceding item as well as the amount and date of such contributions.

3. All payments made in connection with the election campaign (including payments made for the candidate with the knowledge of the candidate or the accountant).

4. The name, address and occupation of the person who received the payments prescribed in preceding item as well as the object, amount and date of such payments.

The provisions of Article 9, Paragraph 2 shall be applied with necessary modifications to the account-books prescribed in preceding Paragraph.

Article 25. Any person other than the accountant who has received any contribution on behalf of the candidate in connection with the election campaign shall present to the accountant within seven (7) days of the

receipt of such contribution a detailed statement showing the name, address and occupation of the contributor as well as the amount and date thereof. He shall, however, present it immediately on demand of the accountant.

With respect to any contribution received by such candidate before filing his candidacy, he shall present to the accountant the detailed statement thereof immediately after filing his candidacy.

Article 26. With the exception of initial expenses necessary for preparation for candidacy as well as expensed necessary payments made for conducting election campaign by recommending letters written by recommender own hands or by telephone without the knowledge of such candidate or of the accountant, all payments for an election campaign shall not be made by any person other than the accountant (including the person who execute the accountant's duty in latter's place). This, however, shall not apply to persons who have obtained a written consent of the accountant for such payments.

With respect to the initial expense for the preparation of candidacy paid by the candidate or any person who has become the accountant, or by any other person acting with the knowledge of such person as specified above, the accountant, immediately after assuming his post, shall settle accounts with such candidate or with the person who has made such payments.

Article 27. The accountant or any person who has made payments with the knowledge of the candidate or the accountant on behalf of the latter shall collect receipts and other vouchers of any payments made in connection with the election campaign. This shall, however, not apply in case there are circumstances which prevent such collection.

The person who made payments with the knowledge of the candidate or the accountant on behalf of the latter shall immediately send such receipts and vouchers to the accountant.

Article 28. The accountant shall file a statement showing the matters prescribed in each item of Article 24, Paragraph 1 concerning the contributions and other income as well as payments received or made in connection with the election campaign of the candidate to the Election Management Commission concerned.

The provisions in Article 13 shall apply with necessary modifications to the date of filing such statement.

Article 29. When the accountant either resigns his post or is removed, he shall immediately prepare a statement of the contributions and other income received and payments made with respect to the election and hand it over to the new accountant, or the person who acts for the accountant. The above shall apply to a case where a new accountant is appointed after the person who is not the accountant took over the duties of an accountant.

In case the handing over of duties is made in accordance with the provisions of the preceding Paragraph, the person who hands over the duty shall make a statement in similar manner as prescribed in the preceding Article showing the fact and date of such transference, to be signed and set seal by both the person who hands over and the person who takes over the duty. It shall be handed over together with cash, account-book, other documents.

Article 30. The accountant shall preserve the account-book, detailed statement and receipts and vouchers of payments for a period of two years from the day the report prescribed in Article 28 was filed.

CHAPTER IV

Person other than political party association, other organization and candidate for public office

Article 31. In case any person other than a political party, association, other organization and its branch as well as candidate for public office, has made a payment more than two thousand (2,000) and five hundred (500) yen at one time, (in case such payments were made in installment, their aggregate amount) directly or indirectly under a name other than that of the person in connection with the election of the candidate for public office for sake of the political party, association, other organization or its branch. He shall file a report stating the following items within ten (10) days with the Election Management Commission having the control over the business matter concerning such election. However, this shall not apply to the case where the written report is to be made by the treasurer, in accordance with the Article 13.

1. All expenditures.

2. The name, address and occupation of those who received the payment provided for in preceding paragraph, and the purpose of expenses, sum and date.

Article 32. In case a person who holds a public office (including those who hold elective positions in the public services) made contributions in connection with election for a candidate for public office, he shall file within ten (10) days reckoning the date of contributions a written report stating his name, occupation and the name of office which he belongs to as well as amount of the contribution, date and the name of person whom such contributions were made with the Election Management Commission having the control over the business matter of the election concerned.

In case of the preceding paragraph, if the contributions were made for a political party, association or other organization, it treasurer

and if they were made for a candidate for public office, his accountant shall file a written report in accordance with the provisions prescribed in the Article 13 or Article 28 stating in it the items of the aforesaid paragraph with the Election Management Commission having the control over the business matter of the election concerned, notwithstanding the amount of contribution.

CHAPTER V

Publication of Reports

Article 33. On acceptance of reports prepared in accordance with the provisions of Articles 12 to 14 or Article 17, or of Article 18 or Article 28, Article 31, the preceding Article or Paragraph 2, Article 35 in which these Articles are applicable with necessary modification, the Election Administration Commission concerned shall announce their substance publicly according to the manner prescribed by the National Election Management Commission.

The public announcement prescribed in the preceding paragraph shall be made by the Official Gazette in the case of the National Election Management Commission and the Election Administration Commission for the Members of the House of Councillors from the Nationwide Constituency, and by the official bulletin in the case of the Election Administration Commissions of the Metropolise, Hokkaido and prefectures, and in the case of Election Administration Commissions of cities, towns and villages in a way convenient for dissemination that was fixed previously by notification.

Article 34. The reports prepared in accordance with the provisions of Articles 12 to 14, Article 17, or Article 18, or Article 28, Article

31, Article 32 or Paragraph 2, Article 35 in which these Articles are applicable with necessary modification shall be kept for two years (2 years) by the Election Administration Commissions which have accepted them from the date of their acceptance.

During the period specified in the preceding paragraph any person shall be at liberty to inspect the reports, according to the manner prescribed by the National Election Management Commission, the Election Administration Commission for the Members of the House of Councillors from the Nationwide Constituency or the Election Administration Commissions of the Metropolice, Hokkaido and prefectures or cities, towns and villages.

CHAPTER VI.

Restrictions concerning Contributions

Article 35. No person given in the following items shall make contributions in connection with elections. Provided that a person referred to Item 1 may make a contribution to the political party, association or other organization which he belongs to, and to a person who resides in, or is campaigning in, or is a candidate for elective public office outside of the area concerned with a particular election.

1. A candidate for the election for public office.

2. A party of a contract for work or of other agreement attended with special profits made with the State, in case of the election under the Law for Election of the Members of the House of Representatives or the Law for Election of the Members of the House of Councillors or with the local public entity concerned, in case of the election under the Local Autonomy Law.

3. A person, prescribed in the Memorandum mentioned in Article 3 of the Imperial Ordinance No. 1 in the year of 1947.

The candidate referred in Item 1 of the preceding paragraph shall submit the written report on the contributions made by him during the period of 1 year previous of the day of announcement and notice of the date of election stating the name of the person who received the contribution (if a body, the name of it) the amount of the sum, and the date to the Election Administration Commission administrating the business matters concerning the election concerned.

Article 36. Any person shall not canvass or ask for a contribution in connection with elections from the persons referred in the items of the first paragraph of the preceding Article.

Any person shall not receive contributions in connection with elections from the persons given in the items of the first paragraph of the preceding Article, and from a foreign national or a foreign corporation or organization.

Article 37. No person shall make a contribution in connection with any election anonymously or under any name other than his full legal name together with his legal address or through a third person.

No person shall receive such a contribution such as prescribed in the preceding paragraph.

In case where contributions were made in violation of the provisions of the paragraph 1, ownership of money or property, thus contributed shall be deemed to revert to the State Treasury and the person in custody of these shall take the proceedings in order to deliver these to the State Treasury.

CHAPTER VII.

Penal Provisions

Article 38. If any political party, association and other organization or their branches accepts a contribution or make an expenditure in

contravention of the provisions of Article 8 or of Article 11, in which Article 8 is applicable, the political party, association and other organization or their branches shall be fined not less than five thousand (5,000) yen and not more than hundred thousand (100,000) yen.

In the case of the preceding paragraph, the chairman, chief manager or other responsible person of the organization or its branch may be also imprisoned not more than 5 years, or be fined not less than one thousand (1,000) yen and not more than hundred thousand (100,000) yen.

Article 39. Any person who conducts any of actions enumerated in the following items shall be imprisoned not more than 3 years or be fined not less than one thousand (1,000) yen and not more than fifty thousand (50,000) yen. Provided that the fine to be imposed to any person who is guilty of making false entry or statement, or presenting false documents under Item 1 to Item 3 inclusive, Item 5, Item 9 and Item 10, shall be not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen.

1. Any person who does not provide for account-books, who omits to enter in the account-books, or who makes false entry therein in violation of the provisions of Article 9 or of Article 18 or Article 24 in which Article 9 is applicable.

2. Any person who neglects to submit detailed statements or who makes false entry therein in contravention of the provisions of Article 10 or of Article 18 or Article 25 in which Article 10 is applicable.

3. Any person who does not call for receipts or other documents proving expenditures made or who makes false entry therein in contravention of the provisions of Article 11, or of Article 18 or Article 27 in which Article 11 is applicable with necessary modifications.

4. Any person who does not preserve account-books, detailed statements or receipts or other documents proving expenditures in contravention of the provisions of Article 16 or of Article 18 or Article 30 in which Article 16 is applicable with necessary modifications.

5. Any person who makes false entry into account books, detailed statements or receipts or other documents proving expenditures required to be preserved in accordance with the provisions of Article 16, or of Article 18 or Article 30 in which Article 16 is applicable with necessary modifications.

6. Any person who does not hand over the duties in accordance with the provisions of Article 15 or of Article 29.

7. Any person who accepts a contribution or makes an outlay in contravention of the provisions of Article 23.

8. Any person who makes an outlay in contravention of the provisions of Paragraph 1, Article 26.

9. Any person who neglects to submit reports or who makes false entry therein in contravention of the provisions of Article 31, Paragraph 1 of Article 32 or Paragraph 2 of Article 35.

10. Any person who refuses to submit the report as prescribed in Article 52 or the materials or submits a false report or materials.

Article 40. Any person who neglects to submit reports or who makes false entry therein in contravention of the provisions of Articles 12 to 14 or Article 17, or of Article 18 or Article 28, or Paragraph 2, Article 32 or Article 31 in which these Articles are applicable, shall be imprisoned not more than 5 years or be fined not less than five thousand (5,000) yen, not more than one hundred thousand (100,000) yen.

In case of the preceding paragraph, the chairman or the chief manager of political party, association or other organization or their branch who neglects appropriate cares in regard to the appointment and supervision of treasurer of such organization or its branch may also be fined not less than one thousand (1,000) yen, not more than fifty thousand (50,000) yen.

Article 41. In case when any person who is given in Items 1 and 2, of the first paragraph of Article 35, makes contribution in violation of the provisions of the said Article, he shall be punishable with imprisonment for not more than three (3) years or a fine of not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen. Any person who made contributions in violation of Paragraph 1, Article 37 shall be treated in the same manner.

In case any person who is given in Item 3, of the first Paragraph of Article 35, makes the contribution in violation of the provisions of the said Article, he shall be punishable with imprisonment of not less than six (6) months and not more than three (3) years.

Article 42. Any person who canvasses or requests the contribution in violation of the provisions of Paragraph 1, Article 36 or receives the contribution in violation of Paragraph 2 of the said Article or Paragraph 2, Article 37 shall be imprisoned not more than three (3) years, or be fined not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen.

In case any political party, association or other organization or their branch accepts a contribution in violation of the provisions of Paragraph 2, Article 36, or Paragraph 2, Article 37 such political party, association

or other organization or their branch shall be fined not less than five thousand (5,000) yen and not more than fifty thousand (50,000) yen.

In case of the preceding paragraph, the chairman, chief manager or other responsible person of the organization of the said paragraph or its branch may be imprisoned not more than three (3) years, or be fined not less than five thousand (5,000) yen, and not more than fifty thousand (50,000) yen.

Article 43. A person who commits crimes in Articles 38; Paragraph 1, Article 39, Paragraph 1, Article 40, Paragraphs 1 of the preceding Article, may, depending upon circumstances, be also imprisoned and fines.

A person who by grave negligence commits crimes in Article 39, Paragraph 1, Article 40, Paragraph 1, Article 41, and Paragraphs 1 of the preceding Article shall be punished, provided that the court may, depending upon circumstances, extenuate the penalty.

Article 44. In case an elected person has been sentenced in accordance with the provisions of Article 38, Paragraph 2, Article 39 or Article 40 to a punishment on the charge of violation of the provisions of Article 8, Article 13, or of Article 18 or Article 23 or Article 28, in which these Articles are applicable with necessary modifications, this election shall be null and void.

Article 45. If the treasurer of a political party, association or other organization or their branch, the accountant of a candidate for a public office, has neglected to submit the written report as prescribed in the provisions of Article 13, or of Article 18 or Article 28, in which Article 13 is applicable with necessary modification, or has made false entry therein for the purpose of making a candidate for a public office to

be elected and has been sentenced therefore to punishment by the provisions of Article 40, the election of such candidate shall be null and void.

When the procurator deems that the case fallen under the crime as prescribed in Article 40 shall come under the provisions of the preceding paragraph, he shall bring a lawsuit against the said elected person in parallel with the original criminal action.

Article 46. The provisions of Paragraph 2 and 3, Article 86, and Article 141-2 of the Election Law of the Members of the House of Representatives shall be applied to the action mentioned in Paragraph 2, of the preceding Article, and the provisions of Article 143 of the said Law shall similarly be applied with necessary modification to the case where the person mentioned in Paragraph 1, of the preceding Article or Article 44 has been sentenced to punishment, provided that the notification or sending as prescribed in Paragraph 2 or 3, Article 86 of the said Law shall be addressed to the National Election Management Commission and the Election Administration Commission of the Nationwide Constituency Members of the House of Councillors or the National Election Management Commission and the President of the House of Councillors in case of the nationwide constituency members of the House of Councillors, and to the National Election Management Commission and the President of the House of Councillors in case of the members elected at the local constituency of the House.

Article 47. Any person shall have neither the right to vote nor be eligible to be elected at the election, to which the present Law applied, for five (5) years after the decision of trial has been fixed in the case where he has been sentenced punishment of fine on conviction of such offences

prescribed on Articles 39 to 42, or during the time until he shall have undergone the execution of punishment after the decision of trial has been fixed or until he has been exempted from the execution of such punishment except for the case where the exemption has been made by the prescription, and for five (5) years more thereafter. Provided in case probation has been sentenced, such period shall be from the day of the court decision to the day on which he shall have not to be required to undergo the execution of punishment any more.

The court may, under the extenuating circumstances, sentence not to apply the provisions prescribed in the preceding paragraph that any person shall have neither the right to vote nor be eligible to be elected or to reduce such period, to the person prescribed in the same paragraph, at the time of the sentence of original punishment.

Article 48. The crime prescribed in the present Chapter shall be expired by prescription due to the expiring of two (2) years.

CHAPTER 8. SUPPLEMENTARY

Article 49. The report to be filed by the treasurer of a political party, association and other organization, the accountant of a candidate for public office or other person under Articles 12 to 14, Article 17, or under Article 18, or Articles 28, 31, 32 or Paragraph 2, Article 35 which are applicable with necessary modifications of the aforesaid Articles shall be accompanied by an affidavit swearing the authenticity of the Statement written in such report.

Article 50. The documents to be filed under Articles 6, 7, or under Article 18, Article 19, Paragraphs 3 and 4, Art. 21 or Article 22, Paragraphs 2 and 3, pertaining thereto and the reports under Articles 12 to 14, Article 17, or under Article 18, pertaining thereto, or Articles 28, 31 or 36 shall be deemed to have duly been filed when there were deposited with a post office by registered mail.

Article 51. In case such is considered necessary in executing, this Law, the National Election Management Commission may direct and supervise the Election Management Commission for Members of the House of Counsillors of the Nationwide Constituency and the Metropolitan, Hokkaido and Prefectural Election Management Commission, the Election Management Commission for Members of the House of Councillors of the Nationwide Constituency may direct and supervise the Prefectural Election Management Commission and the Prefectural Election Management Commission may direct and supervise the City, Town and Village Election Management Commission respectively. In case it is considered necessary to investigate the documents or reports which have been filed as provided for in this Law, the above-mentioned provision shall be applicable in the same manner.

Article 52. The National Election Management Commission, the Election Management Commission for Members of the House of Councillors of the Nationwide Constituency, the Metropolitan, Hokkaido or Prefectural Election Management Commission, or the City, Town or Village Election Management Commission may ask the political organization, association, other organization, candidate for public office or those relative thereto, to submit the reports or materials, in case such is considered necessary in executing this Law.

Article 53. The whole-business-matters union of towns and or villages shall be deemed as a town or a village in application of this Law.

Article 54. The following expenses shall be borne by the National Treasury.

1. The expenses for publication as provided for in Article 33.

2. The expenses for the preservation of reports, as provided for in Paragraph 1, Article 34.

3. The expenses for the facilities for perusal of reports, as provided for in Paragraph 2, Article 34.

Additional Rules.

Article 55. This Law shall come into force on the day of its promulgation.

Article 56. The political party association, and other organization and their branch offices which fall under Article 3 and which exist at the time of enforcement of this Law shall make a notification, as provided for in Article 6 or Article 18 which shall be applied with necessary modifications, within thirty days from the enforcement of this Law.

In case the notification is made within the term, as provided for in preceding Paragraph, the contribution and payment received or made by the political organization, association and other organization or its branch office during the period from the day enforcement of this Law until the notification, as provided forin the preceding paragraph, shall be deemed to have been done after the notification as provided for in Article 8 or Article 18 which shall be applied with necessary modification.

Article 57. The law for the Election of Members of the House of Representatives shall be partially amended as follows:

Article 101 shall be deleted.

Article 101-2 to 101-4 shall be deleted.

The following shall be inserted after Article 104.

"5. Tax or fee imposed by the State or Local Public entity in connection with the election campaign".

Article 105-109 shall be deleted.

In Article 111 One Thousand (1,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Paragraph 1, Article 112, Twenty Thousand (20,000) yen shall be read as Fifty Thousand (50,000) yen and in Paragraph 2, same Article, Thirty Thousand (30,000) yen as "Seventy-five Thousand (75,000) yen.

In Paragraph 1, Article 113, Thirty Thousand (30,000) yen shall be read as Seventy-five Thousand (75,000) yen and in Paragraph 2, same Article Forty Thousand (40,000) yen to One Hundred Thousand (100,000) yen.

In Article 115. Thirty Thousand (30,000) yen shall be amended to Seventy-five Hundred (75,000) yen.

In Article 117, Ten Thousand (10,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Paragraph 1, Article 118, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen, and in Paragraph 2, same Article Twenty Thousand (20,000) as Fifty Thousand (50,000) yen.

In Article 120, One Thousand (1,000) yen shall be read as Twenty-five Hundred (25,000) yen.

In Paragraph 1, Article 121, Ten Thousand (10,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Article 122, Twenty Thousand (20,000) shall be read as Fifty Thousand (50,000) yen.

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In Article 124, Three Thousand (3,000) yen shall be read as Seventy-five Hundred (7,500) yen.

In Article 125, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen.

In Article 126, Ten Thousand (10,000) yen shall be read as Twenty-five Thousand (25,000) yen.

In Paragraph 1, Article 127, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen, in Paragraph 2, same Article Ten Thousand (10,000) yen as Twenty-five Thousand (25,000) yen and in Paragraph 3, 4, same Article, Twenty Thousand (20,000) yen as Fifty Thousand (50,000) yen.

In Article 128, One Thousand (1,000) yen shall be amended to Twenty-five Hundred (25,000) yen.

In Article 129, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen.

In Article 130, Three Thousand (3,000) yen shall be amended to Seventy-five Hundred (7500) yen.

In Article 131, "Article 99, Paragraph 4, Article 101, Article 105, Article 106 or Article 109" shall be read as "or Article 99" and Three Thousand (3,000) yen as Seventy-five Hundred (7,500) yen.

In Paragraph 1, Article 132, "or Paragraph 4, Article 101 or Paragraph 5" shall be deleted, and One Thousand (1,000) yen be read as Twenty-five Hundred (2,500) yen, and Paragraph 2, same Article shall be deleted.

Article 134-135 shall be deleted.

Article 58. The Law for the Election of Members of the House of Councillors shall be partially amended as follows.

Article 77, Paragraphs 2 and 3 shall be deleted.

Article 78 shall be deleted.

Article 80 to 82 shall be deleted.

In Paragraph 1, Article 84, Three Thousand (3,000) yen shall be read as Seventy-five Hundred (7,500) yen and in Paragraph 2, same Article, Five Thousand (5,000) yen shall be read as Fifteen Thousand (15,000) yen.

Article 85-86 shall be deleted.

In Article 87, "preceding 3 Articles" shall be read as "Article 84".

Article 59. With regard to the election, which was already conducted under the previous Law for the Election of members of the House of Representatives, the Law for the Election of Members of the House of Councillors or the Local Autonomy Law, or the election whose date was announced or noticed in accordance with the provisions of the laws above-mentioned, at the time of the enforcement of this Law, the previous provisions shall be applied, notwithstanding the preceding two articles.

The provisions of the preceding paragraph shall apply mutatis mutandis to the election to which the Chapter 12, of the Law for the election of Members of the House of Representatives is applied mutatis mutandis except the election, as provided for in the same paragraph.

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THE BOARD OF EDUCATION LAW

(Law No. 170, July 15, 1948)

Chapter I. General Provisions

(The Aims of this Law)

Article 1. This law aims at attaining the primary objectives of education by establishing the Board of Education so as to execute educational administration based upon the equitable popular will and befitting actual local conditions, with the realization that education should be conducted without submitting to undue control and should be responsible to the entire people.

Article 2. The organization and powers and duties of boards of education shall be provided for by this Law.

(Establishment)

Article 3. Boards of education shall be established in metropolis, district and urban and rural prefectures, cities (including special wards herein and hereafter), towns and villages. However, towns and villages, in case of necessity, may establish partial-affairs associations, in which boards of education may be installed.

2. Necessary matters concerning the board of education of the partial-affairs association of the preceding paragraph may be provided for by the government ordinance.

3. "Prefectural boards of education" referred to in this Law shall be those established in metropolis, district and urban and rural prefectures, and "Local boards of education" shall be those established in cities, towns and villages.

(Functions)

Article 4. Boards of education shall take charge of and execute affairs concerning education, science and culture (hereafter referred to as education) that have hitherto been under the powers of prefectures and prefectural governors or cities, towns and villages, and mayors of cities, headmen of towns and villages (including those of special wards herein and hereafter), and educational affairs that shall in future be under powers of local public bodies concerned and boards of education by law or government ordinance.

2. Higher educational institutions and private schools shall not be under the jurisdiction of boards of education, except as may otherwise be provided for by laws.

(Responsibility for Expenses)

Article 5. The expenses necessary for the conduction of the business of the board of education shall be borne by the local public body concerned.

(Subsidy for Expenses)

Article 6. The expenses necessary for the conduction of the business of the board of education as well as those under their control may be subsidised by national treasury.

Chapter II. Organization of the Board of Education

Section 1. Members of Boards of Education

(Board Members)

Article 7. Prefectural boards of education shall consist of seven members, and local boards of education shall consist of five members.

2. The board members of the preceding paragraph except those prescribed

in paragraph 3 shall be elected by the inhabitants of a prefecture or city, town or village who are citizens of Japan.

3. One member of each board of education shall be elected by and from the assembly of the local public body concerned.

(Term of Office)

Article 8. The term of office of the board members by popular vote shall be four years, and half of the members shall be elected every two years. However, the members filling vacancies shall remain in office for the remaining term of office of their predecessors.

2. The term of office provided for in the preceding paragraph shall start from the day of the ordinary election of members of the board of education.

3. The term of office of the member elected by and from the assembly shall be his term of office as assemblyman.

(Election)

Article 9. Those having the suffrage or eligibility for members of the prefectural assembly or city, town or village assembly shall have the suffrage or eligibility for members of the prefectural or local board of education.

Article 10. Diet members, members of assemblies of local public bodies (excluding the members prescribed in paragraph 3 of Article 7), national public officials and paid employees of local public bodies cannot concurrently be members of any board of education.

2. Members of prefectural board of education cannot concurrently be members of local board of education.

Article 11. Ordinary elections shall be held every two years, concerning half of the fixed number of the elected members of boards.

Article 12. With respect to the election of members of the board of education, there shall be no division of electoral districts.

Article 13. Affairs concerning the election of members of the board of education shall be administered by the election administrative committee of the local public body concerned.

Article 14. Election of members of prefectural boards and election of local boards of education may be held simultaneously.

Article 15. Election of members of prefectural and local boards of education shall be held in accordance with the electors' lists concerning the election of members of city, town or village assemblies.

Article 16. A candidate for membership in a board of education shall have to be recommended by electors.

2. The above recommendation, after electors get the consent of the candidate, shall have to be reported to the presiding officer of election by the representatives of electors numbering not less than sixty with their joint signatures.

Article 17. Those who have the eligibility for membership cannot be candidates for two boards of education at the same time.

Article 18. The report of candidate for membership in a board of education shall require no deposit money.

Article 19. At the election of board members, those candidates who have obtained the greatest number of effective votes shall be decided as as elected members.

2. In case an equality of votes is found to exist, the presiding officer of election shall determine the elected person by drawing lots at an election meeting.

Article 20. When a joint election for members with different term of office is held, elected members with longer term of office shall be selected from those who have obtained the greater number of votes.

2. In case it is necessary to decide on the length of term of office among those who have obtained the same number of votes, the presiding officer of election shall decide it by drawing lots at an election meeting.

Article 21. In case an elected member declines to be elected, or happens to be dead or fails to be elected according to the provision of Article 57 of the Local Autonomy Law, (Law No. 67, 1947), an election meeting shall be held immediately in order to determine the elected number from among those who failed to be elected in the order of number of votes they have obtained.

2. In case the cases as provided for in items from 5 to 7 of paragraph 1 of Article 62 of the Local Autonomy Law or vacancies take place before the time limit as prescribed in paragraph 1 of Article 60 of the Local Autonomy Law, an election meeting shall be held in order to decide elected members from among those who failed to be elected in the order of number of votes they have obtained. Or in case the above cases take place after the above time limit and besides there are those who are applicable under paragraph 2 of Article 19, an election meeting shall be held in order to decide elected members from among such people.

Article 22. When a joint election for members with different term of

office is held, and at the same time the provision of Article 58 of the Local Autonomy Law concerning the election of the assemblies of ordinary local public bodies is applicable, presiding officers of election shall decide by drawing lots at an election meeting as to which candidates shall be decided as elected members with longer term of office.

Article 23. In case the cases as provided for in items from 1 to 3 of paragraph 1 of Article 62 of the Local Autonomy Law take place or in case the cases as provided for in items from 4 to 7 of the same article or vacancies take place before the time limit as provided in item 1 of Article 60 of Local Autonomy Law, and at the same time it is impossible to decide elected members without holding further election, further election shall be held.

Article 24. In case the cases as provided for in items 4 to 7 of paragraph 1 of Article 62 of the Local Autonomy Law or vacancies take place after the time limit as provided for in paragraph 1 of Article 60 of the Local Autonomy Law, and at the same time it is impossible to decide elected members, the board of education concerned shall appoint recruiting members immediately from among those who have the eligibility for members.

2. The tenure of office of recruiting members shall be one day before the date of next ordinary election, and with regard to the vacancies owing to the completion of the tenure of office of the above members, the election to fill the vacancies shall be held simultaneously with the next ordinary election.

Article 25. When all the members except those elected by the assemblies become vacant after elapsing the time limit of paragraph 1 of Article 60

of the Local Autonomy Law, an election to fill the vacancies shall be held notwithstanding the provision of paragraph 1 of the preceding article.

2. In case the cases as provided for in the preceding paragraph take place within six months before the next ordinary election, the paragraph 1 of the preceding article shall be applied notwithstanding the provision of the preceding paragraph.

Article 26. In case where a vacancy occurs in the position for a member in accordance with the provision of the paragraph 3 of Article 7, the assembly shall elect a member to fill the vacancy as soon as possible.

Article 27. The provision of election campaign in the election of prefectural governors as provided for in paragraph 1 of Article 72 of the Local Autonomy Law shall apply correspondingly to the election campaign in the election of board-members and the provision of paragraph 3 of the same article shall apply correspondingly to that of election of prefectural board-members. However, "electoral administration committee of the metropolitan assemblymen" or "electoral administration committee of the district and prefectural assemblymen" applied correspondingly in paragraph 1 of Article 72 of the said Law from the paragraph 4 of Article 140 of Law of Election concerning the Members of the House of Representatives (Law No. 47, 1925) shall be read as "electoral administration committee of the local public body concerned," so far as the election for local board members is concerned.

Article 28. Concerning the election of the members of the board of education, the provisions concerning the election of members of the assembies of the ordinary local public bodies as provided for in the Local Autonomy Law shall be applied mutatis mutandis, unless otherwise provided for by this

Law or in the government ordinances based upon this Law.

(Recall of Board Member)

Article 29. Those having the suffrage for members of a board of education may request the dismissal of its members.

2. The request for dismissal of the preceding paragraph shall be the same as the request for the dismissal of assembly members of ordinary local public bodies prescribed by the Local Autonomy Law.

(Resignation and Determination of Qualification of Board Members)

Article 30. Concerning the resignation and the determination of qualifications of board members, the provisions of the Section 8 of Chapter 6 of the Local Autonomy Law (except the provision of the proviso of Article 126) shall be applied correspondingly. However, "the assemblies of ordinary local public bodies" shall be read as "the boards of education," and "the assembly members" shall be read as "the board members."

(Remunerations and reimbursement for Expenses of the Board Members)

Article 31. The local public bodies shall pay remuneration to the members of the boards concerned, but shall pay no salary.

2. The members of the board shall be entitled to the reimbursement of expenses required for the execution of their functions.

3. The amount of remuneration and reimbursement for expenses and their method of payment shall be ordained by the by-law of the local public bodies concerned.

(Performance of Duty, etc. of Board Members)

Article 32. Matters concerning the oath, duty to obey laws and the performance on duty of board members shall be ordained by the other law

which provides concerning the officials of local public bodies.

Section 2. Meetings of Boards of Education

(Chairman and Vice-chairman)

Article 33. The board of education shall elect a chairman and a vice-chairman from among its members respectively.

2. The tenure of office of the chairman and the vice-chairman shall be one year, but theymay be re-elected.

3. The chairman shall preside over the meetings of the board of education.

4. The vice-chairman shall assist the chairman or act in his place in case the chairman is unable to discharge his functions, or in case the chairmanship becomes vacant.

(Convocation of the Meetings)

Article 34. Chairman of the board of education shall convene its session.

2. Chairman shall have to convene the extraordinary session when two or more members shall request in writing its convocation by designating the matter to be referred to.

3. Chairman shall have to announce the place and the convocation date of the meeting and the matters to be referred to the session.

4. The convocation shall be announced at least seven days before the date of the meeting for the prefectural board of education and three days before for the local board of education. However, this shall not apply in case an emergency should arise.

(The Ordinary and Extraordinary Session)

Article 35. The meetings of the board of education shall be the ordinary and the extraordinary session.

2. The ordinary session shall be convened once in every month.

3. In case an emergency problem should arise, the extraordinary session shall be convened, only referring to that particular problem.

4. In case an emergency problem should arise after the date of session has been announced, it may be referred to the session immediately, notwithstanding the provision of paragraph 3 of the preceding article and the preceding paragraph of this Article.

(Quorum of Meetings)

Article 36. Board of education shall not be able to continue its meeting unless a majority of its members in actual service are present, except when twice repeated convocations regarding the same business fail to get a majority of its members in actual service.

(Meetings Being Open to the Public)

Article 37. The meetings of the board of education shall be open to the public. However, a secret meeting may be held when on the motion of a member, members present have decided to that effect by a majority of more than two-thirds.

The motion of a member of the preceding paragraph shall be voted without discussion.

(Method of Resolution)

Article 38. The proceedings of boards of education shall be decided by majority of the members present.

(Limitation of Participation in Proceedings of Meetings)

Article 39. Members of the board of education shall not participate in proceedings with regard to personal affairs of themselves, of their spouses or of their relatives within the third degree. But they may attend the meetings and speak.

(Council Rules)

Article 40. Board of education shall have to establish council rules and Hearers' rules.

2. Matters concerning the meeting of the board may be prescribed by council rules unless otherwise provided for in this Law.

Section 3. Superintendents of Education and Secretariats

(Superintendent of Education)

Article 41. Board of education shall have a superintendent of education.

2. The superintendent of education shall be appointed by the board of education from among those who have certificates for educational personnel as prescribed by the other law concerning the certification of educational personnel.

3. The term of office of the superintendent of education shall be four years. They may, however, be reappointed.

Article 42. The superintendent of education shall take charge of all the educational affairs managed by the board of education, subject to the guidance and control of the board of education.

(Secretariat)

Article 43. A secretariat shall be attached to the board of education

in order to have it manage the business concerning the affairs under the jurisdiction of the said board.

(Departments or Sections of Secretariats)

Article 44. The secretariat of the prefectural board of education shall have necessary department or section (except those of accounting and public work) according to the rules ordained by the said board. However, the department or section concerning educational research and statistics and the department or section concerning educational guidance shall be installed.

2. The secretariat of the local board of education may have necessary department or section according to the rules ordained by the said board.

(Personnel of Secretariats)

Article 45. The secretariat of the prefectural board of education shall have teachers' consultants and technical experts concerning the approval or selection of text-books, curriculum contents to be taught and their treatment, architecture and other necessary matters as well as other necessary secretarial staffs.

2. The secretariat of the local board of education may have necessary staffs corresponding to that of the prefectural boards.

3. The fixed number of the personnel as provided for in the preceding two paragraphs shall be ordained by the by-law of the local public bodies concerned.

4. The personnel of the paragraphs 1 and 2 as well as the secretarial officials of schools shall be appointed by the board on recommendation of the superintendent of education.

Article 46. Teachers' consultants shall give advice and assistance to teachers, but they shall issue no orders and exercise no control.

Article 47. Professional experts needed for approval or selection of text books, for matters concerning curriculum contents to be taught and their treatment and other special matters may be provided by using teachers. However, those teachers may temporarily be released from their regular duties during that period.

Chapter III. Powers and Duties of the Board

(Jurisdiction of Boards of Education)

Article 48. Prefectural boards of education shall have control over all schools and other educational institutions established by the prefectures concerned and local boards of education shall have control over all schools and other educational institutions established by the local public bodies concerned.

2. The boards of education concerned may, through their consultation, transfer the control of the upper secondary school established by prefectures to the cities, towns and villages, or of those established by cities, towns and villages to prefectures.

Article 49. The board of education shall take charge of the following matters. However, in such cases they may require the advice and recommendation from the superintendents of education.

(1) Matters concerning establishment and abolishment of schools and other educational institutions;

(2) Matters concerning operation and control of schools and other educational institutions;

(3) Matters concerning the curriculum contents to be taught and their treatment;

(4) Matters concerning selection of text books;

(5) Matters concerning employment and dismissal and other personnel affairs of principals and teachers based upon the provisions of the other law which shall provide for concerning the employment and dismissal, etc. of the educational public officials;

(6) Matters concerning the employment and dismissal and other personnel affairs of the staffs of the board of education and schools and other educational institutions;

(7) Matters concerning the labor union organized by teachers and other educational employees;

(8) Matters concerning the establishment and change of school site, and planning of repair and preservation of school and other buildings as well as supervision of execution of work of construction;

(9) Matters concerning the planning for arrangement of instructional materials and other equipments;

(10) Matters concerning the legislation, amendment and repeal of the regulations of the board of education;

(11) Matters concerning budgets of revenue and expenditure under the jurisdiction of the board of education;

(12) Matters concerning the control of basic property and reserve fund for educational purposes;

(13) Matters concerning contracts with other boards of education for educational affairs;

(14) Matters concerning social education;

(15) Matters concerning study and self-improvement of principals, teachers and professional educational personnel;

(16) Keeping certificates and official documents;

(17) Matters concerning investigations and statistics concerning education;

(18) Matters concerning educational affairs of the community under its jurisdiction not otherwise prescribed by law.

Article 50. The prefectural board of education shall take charge of the following matters in addition to the affairs as provided for in each item of the preceding Article. However, in such cases they may require the advice and recommendation from the superintendent of education.

(1) Issuing certificates of educational employees in accordance with the provisions of the other law concerning the certification of educational personnel;

(2) Approving text books for all schools within the prefecture concerned in accordance with the standards established by the Minister of Education;

(3) Giving technical and professional advice and assistance to the local board of education;

(4) Matters concerning establishment or revision of the attendance district of upper secondary schools;

(5) Any other matters belonging to its control provided for by laws and regulations.

Article 51. The local boards of education within a prefecture and the prefectural board of education may establish a council in order to decide personnel affairs such as appointment and dismissal and allowances of principals and teachers and other common necessary matters.

2. The resolution of the council of the preceding paragraph shall be unanimous.

3. Necessary matters concerning the council shall be established by the consultation of the boards of education concerned.

Article 52. So far as boards of education of special wards are concerned, the provisions of items 3 and 4 of paragraph 1 of Article 49 shall not apply, and instead the metropolitan board of education shall dispose of those matters.

(The Regulations of the Board of Education)

Article 53. The board of education may legislate the regulations of the board of education concerning the affairs under their control, as long as such regulations are not contrary to the laws and ordinances.

2. The regulations of the board of education shall be publicly announced in conformity to a stated form of public notice.

(Establishment of Attendance Districts)

Article 54. Prefectural board of education shall divide the prefecture into several attendance districts for the purpose of promoting propagation and equalizing opportunity of upper secondary education. However, the prefectural board of education may coordinate the attendance of pupils in case of necessity.

(Submission of Reports)

Article 55. The prefectural board of education may require the local

boards of education to submit annual reports and other necessary reports concerning education under its jurisdiction. The Minister of Education may require the same to the prefectural or local boards of education.

2. The Minister of Education shall have no administrative nor operational control over prefectural, or local board of education and prefectural board of education shall have no administrative nor operational control over local boards of education except otherwise provided for by law.

(Preparation of Budget)

Article 56. The board of education shall prepare documents concerning the estimates of revenues and expenditures under its control every fiscal year, and transmit the documents to the chief of the local public body concerned for the unification and coordination of all costs of the government of the local public body concerned.

Article 57. The chief of the local public body shall have to request the opinion of the board of education beforehand when he intends to reduce the amount of the estimate of expenditures transmitted from the board at the time of preparation of revenue and expenditure budget for every fiscal year.

Article 58. The chief of local public body when he has reduced the estimated expenditure prepared by the board of education shall mention the particulars of the said estimated expenditures in the revenue and expenditure budget, and at the same time he shall specify the necessary sources of revenue when the assembly of the local public body intends to revise the expenditures concerning the board of education.

(Execution of Budget)

Article 59. When the budget is approved by the local assembly, the

chief of the local public body shall allocate the budget under control of the board of education to the board concerned.

Article 60. The board of education shall issue order to the chief accountant or treasurer to expend money within the limits of allocation concerning the budget under its jurisdiction.

(Matters to be subjected to the Approval of the Assembly)

Article 61. The board of education shall transmit to the chief of the local public body the draft of the measure concerning the following items, of all the matters which are to be subjected to the approval of the assembly concerned by law and regulation.

(1) Matters concerning the establishment, control and disposal of basic property and reserve fund for educational purposes;

(2) Matters concerning local bonds for educational purposes;

(3) Matters concerning tuition and other educational rental rates and charges;

(4) Matters concerning legislation, revision and repeal of the by-law as provided for in paragraph 2 of Article 31, paragraph 3 of Article 45 and paragraph 2 of Article 66.

Article 62. When the chief of the local public body wants to revise the draft transmitted by the board of education at the time of referring it to the resolution of the assembly concerned, he shall require the opinion of the board of education beforehand.

Article 63. When the chief of the local public body has revised the draft transmitted by the board of education, he shall attach to his measure the original draft transmitted to him from the board of education and its opinion concerning it.

(Execution of Business as Proxy on the Part of Board of Education and Superintendents)

Article 64. In case when all the members are vacant and the provision of paragraph 2 of Article 25 cannot be applied, the superintendent of education shall execute the business of the board as proxy.

2. The disposition according to the provision of the preceding paragraph shall be reported by the superintendent of education to the board of education at the next meeting.

Article 65. In case all the members of a prefectural board become vacant, and, moreover, its superintendent of education becomes vacant, the Minister of Education shall appoint its deputy superintendent of the prefectural board concerned.

2. In case all the members of a local board become vacant, and, moreover, its superintendent of education becomes vacant, the prefectural board of education shall appoint its deputy superintendent of the local board concerned.

3. In the case of the preceding paragraph, and, moreover, in case all the board members become vacant, the superintendent of the prefectural board shall appoint the deputy superintendent of the preceding paragraph.

4. The deputy superintendents of the paragraphs 1 and 2 shall remain in office until the first coming meeting of the board concerned.

Chapter IV. Miscellaneous

(Personnel of Schools and Other Educational Institutions)

Article 66. Principals, teachers and secretarial officials shall be installed in prefectures, cities, towns, and villages.

2. The fixed number of principals, teachers and secretarial officials of schools shall be decided by the by-law of the local public body concerned unless otherwise provided for by laws and government ordinances.

3. Status of principals and teachers shall be provided for in the other law which shall provide for concerning the employment and dismissal etc. of the educational public officials except otherwise provided for in this Law.

4. Necessary secretarial officials shall be installed in educational institutions other than schools under the control of the board of education.

(Treatment of Status of Educational Public Officials)

Article 67. Of all the educational personnel appointed by the boards of education, the other law which shall provide for concerning the employment and dismissal etc. of the educational public officials shall provide for concerning the treatment of status of such personnel (except principals and teachers) as are required of the certificates of educational personnel ordained by the other law concerning the certification of the educational personnel, except otherwise ordained in this Law.

2. The other law concerning the personnel of local public bodies shall apply mutatis mutandis, concerning the treatments of status of the personnel other than those provided for in the preceding paragraph and secretarial officials of schools.

(Allowances of Personnel)

Article 68. Concerning the allowance of the personnel as provided for in the preceding two articles the provisions concerning the allowance of the personnel who are the auxiliary organs of the chief of the local public body as provided for in Chapter 8 of the Local Autonomy Law shall be applied correspondingly.

Supplementary Provisions

Article 69. This Law shall be enforced on and from the day of proclamation. However, the provision of Article 94 shall be enforced on and from November 1, 1948.

Article 70. The boards of education of cities, towns and villages except Osaka City, Kyoto City, Nagoya City, Kobe City and Yokohama City (to be hereafter referred to as the Five Big Cities) shall be established by November 1, 1950. However, the necessary matters concerning their establishment may be ordained by government ordinances.

Article 71. During the period between the enforcement of this Law and the formation of the boards of education for prefectures and the Five Big Cities, the business which is to be taken charge of by the boards of education by this Law shall be taken charge of by each corresponding agency as heretofore respectively.

Article 72. The first election of the members of boards of education for prefectures and the Five Big Cities that will be held under this Law shall take place on October 5, 1948, by combining the election of board members for four year term of office and those for two year term of office into one election.

2. In case when the election of the preceding paragraph has been held, the assemblies of prefectures and the Five Big Cities shall elect the members of paragraph 3 of Article 7, the result of which shall be reported to prefectural governors or mayors concerned respectively within 20 days.

Article 73. In case when the election of paragraph 1 of the preceding Article has taken place, prefectural governors or mayors of the Five Big

Cities shall convene the meeting of the boards of education within 20 days.

2. The boards of education of prefectures and the Five Big Cities shall be considered as coming into existence on November 1, 1948.

Article 74. In case when the boards of education have come into existence, the business as prescribed in Article 4 shall be transferred to the boards of education concerned within 30 days from the date of their coming into existence in the case of prefectural governors and within 20 days from the above date in the case of mayors of the Five Big Cities.

Article 75. In the case of transfer of business as prescribed in the preceding Article, the prefectural governors or the Five Big Cities' mayors shall prepare the documents, accounting books and catalogues of property, and shall describe the order and methods of disposal as well as their opinions, concerning the undisposed or not-yet started matters or those to be planned in future.

Article 76. Except those provided for in the preceding two articles, the transfer of business of the boards of education according to Article 74 shall be based on the provisions of transfer of business of chiefs of the ordinary local public bodies as are provided for in Section 1 of Chapter 4 of the Regulations concerning the Enforcement of the Local Autonomy Law (Government Ordinance No. 16, 1947).

Article 77. Those who are in the positions of chiefs of educational departments or sections and their staffs of prefectures and the Five Big Cities shall be considered as being appointed as superintendents of education or staffs of the secretariats respectively with the same classes and salaries as the present salaries and classes on November 1, 1948.

2. The term of office of the superintendents of education in the preceding paragraph shall be up to March 31, 1949.

Article 78. The boards of education shall appoint the superintendents of education from among those who have qualifications as otherwise provided for in a government ordinance, notwithstanding the provision of Article 41, up until the other law concerning the certification of educational personnel is ordained.

2. For the time being, in case when such qualified persons are not available as prescribed in Article 41 and the preceding paragraph, the boards of education may appoint the superintendents of education from among those who have no such qualifications.

3. The term of office of the superintendents of education of the preceding paragraph shall be one year.

Article 79. Those of the to-date by-laws and regulations of prefectures and the Five Big Cities concerning education shall be considered as the by-laws and regulations of the board of education based upon this Law.

Article 80. The fixed number of the principals, teachers and secretarial officials of public schools in accordance with the discrimination of classes at the date of the enforcement of this Law shall be based upon the fixed number of the local instructors or local secretarial officials in accordance with the provisions of the Organization Ordinance concerning the Public Schools (Imperial Ordinance No. 213, 1946) and that of the Organization Ordinance concerning the Public Lower Secondary Schools, the Primary Schools and the Kindergartens (Government Ordinance No. 20, 1948).

2. The fixed number of the preceding paragraph shall be considered as ordained by the by-law in paragraph 2 of Article 66.

Article 81. Except those otherwise prescribed in this law, the status treatment of the staffs such as position classification, examination, appointment and dismissal, compensation, efficiency, limitations, disciplinary punishment, guarantee, and performance on duty and other treatments as are provided for in Article 67, shall be based upon the provisions concerning the personnel who are the auxiliary organs of chiefs of prefectures or those of cities, towns and villages, up until the other law concerning the employment, dismissal, etc., of the educational public officials and concerning the personnel of local public bodies is legislated. However, special provisions may be ordained by government ordinances.

Article 82. The to-date provisions concerning the local secretarial officials of public schools shall apply correspondingly, concerning the status treatments such as the position classification, examination, appointment and dismissal, compensation, efficiency, limitations, disciplinary punishment, guarantee, and performance on duty and other treatments of those who are secretarial officials of public schools and at the same time local secretarial officials, up until the other law concerning the personnel of local public bodies is legislated. However, special legislations may be ordained by government ordinances.

Article 83. Those who are secretarial officials of public schools and at the same time local secretarial officials at the enforcement of this law shall be considered as employed as the secretarial officials of public schools concerned with the same classes and salaries as the present classes and salaries respectively, and as appointed to the positions corresponding to the present positions consecutively, except otherwise provided for by

this law or by the government ordinances based upon this law or by other laws.

Article 84. In case when those who are secretarial officials of public schools and at the same time local secretarial officials become secretarial officials of public schools concerned consecutively at the enforcement of this Law, shall be considered as being in continuous service retaining the to-date status, so that the Pension Law (Law No. 48, 1923) shall be applied to them correspondingly. In case such persons become national public officials from secretarial officials of public schools concerned, the period of service as personnel of the local public bodies concerned shall be added up as years of service as public officials, so far as the application of the Pension Law is concerned.

Article 85. The higher educational institutions as provided for in Article 4 shall include, for the time being, the old-type Koto Gakko, preparatory colleges and teachers' training schools which continue to exist as the heretofore schools, in accordance with the provisions of Article 98 of the School Education Law (Law No. 26, 1947).

Article 86. The prefectural board of education shall select textbooks from among those which have been approved by the Minister of Education or those which have been published by the said Minister until the system of paper allotment is abolished, in spite of the provisions of item 4 of Article 49 and item 2 of Article 50.

Article 87. Up to the date when the boards of education are established in cities (to be referred to as excepting the Five Big Cities in this article), towns and villages, educational affairs of cities, towns and villages shall

be taken charge of by the prefectural boards of education, except those which hitherto belonged to the powers and duties of cities, towns and villages or mayors of cities and headmen of towns and villages.

Article 88. The coming into existence of the boards of education in cities (except the Five Big Cities), towns and villages shall be the same as the case of the coming into existence of the boards of education of the Five Big Cities.

Article 89. The Law of the General Regulation concerning the Local School Affairs (Chiho Gakuji Tsusoku, Law No. 13, 1914) shall be abolished.

Article 90. The partial affairs association of cities, towns and villages established for the sake of educational affairs shall be called the school association of cities, towns or villages.

Article 91. The property of school ward (Gakku) as prescribed in the General Regulations concerning the Local School Affairs (Chiho Gakuji Tsusoku) shall be disposed of by December 31, 1948, in accordance with the provision of Article 4 of the said Law.

Article 92. A part of the Temporary Measures Law concerning Text-books, Publication (Law No. 132, 1948) shall be revised as follows:

"Prefectural governors" of paragraph 1 of Article 5, paragraphs 1, 2 of Article 6 and paragraphs 1, 2 of Article 7 shall be revised as "prefectural boards of education". "Principals of national schools" of Article 7 shall be revised as "the boards of education in cities, towns and villages and principals of national and private schools."

Article 93. A part of the School Education law shall be revised as follows:

"After obtaining the resolutions of the assemblies concerned" of Article 29, 31, 32 and 74 shall be deleted.

"Public or" of Article 34 shall be deleted.

"Or towns and villages school associations" of Articles 30, 31 and 33 shall be deleted.

The following paragraph shall be added as the paragraph 2 of Article 108:

"The competent authority which approves in Article 4 and the competent authority of Article 14 shall be prefectural boards of education for the time being, concerning the public primary schools, lower and upper secondary schools, schools for the blind, schools for the deaf, schools for the handicapped, and the kindergartens."

Article 107. The controlling agencies of primary schools established by cities, towns and villages in this Law shall, for the time being, be mayors of cities or headmen of towns and villages in which boards of education are not installed.

Article 94. A part of the Local Autonomy Law shall be revised as follows:

"Inspection commissioners and members of public safety committees of cities, towns and villages" of Article 121 shall be revised as "Inspection commissioners, members of public safety committees of cities, towns and villages and members of boards of education."

"Inspection commissioners and members of public safety committees of cities, towns and villages" of Article 125 shall be revised as "Inspection commissioners, members of public safety committees of cities, towns and

villages and boards of education."

Article 153 shall have the following paragraphs deleted:

In Paragraph I:

"4. Bureau of Education

(a) Matters concerning education, arts and science."

In Paragraph II:

"3. Education Division

(a) Matters concerning education, arts and science."

"Technical officials or educational officials" of paragraph 1 of Article 175 shall be revised as "or technical officials", and paragraph 4 of the same Article shall be deleted.

Article 95. The treatment of status of principals and teachers shall remain as heretofore, notwithstanding the provisions of item 5 of Article 49 and paragraphs 1 and 3 of Article 66, up until the other law concerning the employment and dismissal, etc., of theeducational public officials is legislated. However, the special provisions may be ordained by government ordinances.